



**115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-10285-2018 (O&M)

Date of decision: 07.05.2024

Panna Lal

....Petitioner

Versus

Chhinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vaibhav Sehgal, Advocate for the petitioner
Mr.Onkar Rai, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed by the judgment debtor against the following order passed by the Executing Court on 08.12.2018:-

“An application u/o 21 rule 66 CPC was filed by the DH. Same was placed on record. In view of the contents of the application, same is allowed. Auction warrants be issued as per following schedule:-

Notice : 20.12.2018

Munadi : 04.01.2019

Auction : 06.02.2019

Report : 16.02.2019

Date of order : 08.12.2018.”

2. Learned counsel representing the petitioner, while drawing the attention of the Court to the following order dated 19.11.2018, contends that the Executing Court could not have passed the order without deciding the objection against the attachment order:-

“Warrant of attachment of property of JD received back duly executed. Application U/o 21 Rule 66 CPC for proclamation of the sale of property of JD by public auction filed today by DH. Since, an

application dated 12.10.2018 raising objection on attachment is already filed, its reply by DH be filed on 08.12.2018 and JD is directed to appear in person on that day.”

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. The impugned order was passed in the presence of the counsel representing the judgment debtor. It was his duty to draw the attention of the Executing Court to the previous order.

5. Keeping in view the aforesaid facts, the revision petition is disposed of with observation that it shall be open to the petitioner to file an appropriate application before the Executing Court, which shall be considered and decided within a period of 15 days from the date the petitioner enters appearance.

6. All the pending miscellaneous applications, if any, are also disposed of.

07.05.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE