

2024:PHHC:036614

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

CR-1566-2024 (O&M)
Date of decision: 13.03.2024

Chhinder Kaur @ Sinder Kaur and others
....Petitioners

Versus

Kirna Devi
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

1. The petitioners herein are the judgment debtors. There is a decree for recovery of Rs.4,00,000/- in favour of the decree-holder Kirna Devi and against the petitioners i.e the judgment debtors. In implementation of the aforesaid decree, after attachment, some property has been sold in a court auction held on 01.03.2018. The petitioners have filed an application under Order XXI Rule 58 and Order XXI Rule 90 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') for permission to deposit the decretal amount, which has been dismissed by the Executing Court. The correctness of the aforesaid order has been affirmed in appeal by the First Appellate Court. Learned counsel representing the petitioners contends that the amount can be deposited by the petitioners today itself.

2. This Court has considered the submissions made by the learned counsel representing the petitioners.

3. The sale of property by the court auction can be set aside only in accordance with the procedure laid down under Order XXI CPC.

The judgment debtor is required to file such application within the time prescribed therein. The court cannot entertain such application at any stage.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.
5. Hence, dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

13.03.2024
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No