





4. For the decree holder as well as auction purchaser side respective learned counsels present and submitted that the Judgment Debtor already set exparte and hence, he has no right to appear without setting aside the exparte order. For the auction purchaser side it is submitted that sales certificate to be issued by confirming the sale.

5. This petitioner categorically stated that the earlier counsel for the Judgment Debtor failed to perform his duty and failed to defend the Judgment Debtor. And which resulted in sale of property belongs to the Judgment Debtor. A notice also sent to the earlier counsel seen from the records. Thus, the petitioner substantiate his claim. At this stage, this application ought to be allowed.

6. The objection of decree holder that the Judgment Debtor has already set exparte and now he has no right to participate in the proceedings without setting aside the exparte order. This objection is not maintainable. Since, in execution proceedings, in every stage the Judgment Debtor has a right to participate even though he has set exparte in the earlier proceedings. Hence, this objection is rejected.

7. The other claim of auction purchaser to the effect that sale to be confirmed cannot be entertained at this stage. The sale is conducted only on 09.10.2025. For filing an application under order 21 Rule 89 of C.P.C, a time frame is fixed at 60 days from the date of sale under article 127 of the Limitation Act. Thus, without expiration of 60 days from the date of sale no sale under a decree cannot be confirmed, also no sale certificate could be issued. Hence, this objection also rejected.



8. From the above discussion, it is clear that this application is liable to be allowed.

In fine, this application is allowed. No cost.

**MASTER**