



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4097 of 2025 (O&M)
Date of Decision: 10.07.2025

Rohtash Kumar

...Petitioner

Versus

State Bank of India

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Suman Kumari, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition assails order dated 28.04.2025 (Annexure P-2) passed by the Court of Civil Judge (Junior Division-I), Fazilka vide which property of the petitioner was ordered to be put on sale.

2. A suit for recovery of ₹4,31,846/- was filed by the respondent-plaintiff (State Bank of India) against three persons namely Ravi Kumar, the petitioner-Rohtash Kumar and Bimla Devi. The said suit was decreed vide judgment and decree dated 18.01.2024 passed by the Court of Civil Judge (Junior Division-I), Fazilka. The respondent-plaintiff Bank was held entitled to recover Rs.431846/- along with *pendente lite* and future interest @10.60 % per annum. Three months were granted to the defendants to make the payment failing which the bank was held entitled to recover the decretal amount by way of sale of mortgaged property, hypothecated goods and thereafter by sale of other properties and assets of defendants.

3. Vide order dated 28.04.2025 (Annexure P-2), for no reply had been filed by judgment debtor No.2 (present petitioner) to the notice served under Order 21 Rule 66, the attached property was ordered to be put on sale

and schedule for the same was fixed. Aggrieved by the said order, the present petition has been preferred.

4. I have heard learned counsel for the petitioner.

5. Learned counsel has strenuously urged that the petitioner needs one opportunity to file reply before the executing Court and that the same be granted and till then, the sale of the property of the petitioner be put on hold.

6. Having considered the submissions made by learned counsel for the petitioner, the same are found to be devoid of merit.

7. The suit was duly contested by the petitioner and other defendants. The judgment and decree dated 18.01.2024 was passed in the presence of counsel for the defendants. It appears that an execution petition was filed in July 2024, pursuant to which notice under Order 21 Rule 66 *qua* sale of the attached property was issued.

8. The present petitioner who is judgment debtor No.2 chose not to file any reply as a result of which the property was put to sale and schedule was fixed. On a specific query having been raised by the Court, learned counsel has submitted that against the judgment and decree dated 18.01.2024, no appeal was preferred meaning thereby that it has attained finality. Once the same has attained finality and the petitioner chose not to even submit a reply to the application under Order 21 Rule 66, no occasion arises for this Court to grant any opportunity to the petitioner for the same. It has to be borne in mind that judgments and decrees have to be executed in time and execution petitions are to be decided within six months, as laid down by the Supreme Court of India in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and others, 2021 (2) RCR (Civil) 854.***

That being so, I do not find any merit in the present revision petition and the same is dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

July 10, 2025
Rekha

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