



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

(117)

CR-5749-2025Date of Decision:-**26.08.2025**

RANJIT KAUR

... Petitioner

Versus

TARSEM LAL AND ANOTHER

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Anish Verma, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1 This revision petition under Article 227 of the Constitution of India has been filed against order dated 27.05.2025, vide which, the objection petition of the petitioner was dismissed. Counsel for the petitioner submitted that he does not want to press this part of the petition and in this same petition, he has assailed the order dated 22.07.2025, vide which, the terms and conditions were drawn with regard to sale proclamation. He assailed the same on the grounds that the provisions of Order 21 Rule 66 of CPC were not taken care of while drawing the proclamation.

2. Perusal of the impugned order clearly shows that the learned Executing Court has ordered the sale warrants of the property without specifying as to if the entire property is required to be put to sale to realize the decretal amount or any part of the property would be sufficient. Even it has not been specified as to if there is any encumbrance upon the property attached or not or that the property is free from encumbrances. Furthermore, the Executing Court has delegated its power to the person, who is to execute the sale warrants. The relevant portion of the order reads as under:-

“It is made clear on the sale warrants that the property be not sold below collector-rate and only that much of property is to be sold



which would be sufficient to meet out the claim of the decree holder in the present execution application, which is Rs.16,30,000/-. Ahlmad is directed to comply with the order immediately.”

3. This shows that it has been left to the person, who is to effect the sale at spot as to how much property out of the attached property is to be sold whereas it is the function of the Court, so the impugned order is not sustainable and the revision petition is allowed to that extent that this order is set aside and the Executing Court is directed to re-draw the sale proclamation in view of the provisions of Order 21 Rule 66 of CPC.

4. Accordingly, the present revision petition stands allowed and impugned order dated 22.07.2025 is set aside.

5. Pending miscellaneous application(s), if any, are also disposed of accordingly

26.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No