

2025:PHHC:008729



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

129

CR-6332-2024 (O&M)

Date of Decision : 21.01.2025

TILAK RAJ

.... Petitioner

VERSUS

RAJINDER KUMAR AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Kalra, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 11.09.2024 (Annexure P-9) passed by the learned Civil Judge (Junior Division), Ludhiana vide which the application filed by the petitioner for granting him an opportunity of filing objections was dismissed.

2. Brief facts necessary to the present *lis* are that the decree holder-respondent No.1 filed a suit for separate possession of 1/4th share by partition of property i.e. double storey house measuring 167 square yards bearing No.11629, Street No.1, Sahibzada Ajit Singh Nagar, backside Sangeet Cinema, Ludhiana. Vide judgment and decree dated 11.02.2014 the suit was partially decreed and a preliminary decree was passed. Thereafter, a petition was filed for passing of the final decree on 19.02.2018. The petitioner appeared before the Court on 18.07.2018 and thereafter absented himself on 29.08.2018. The petitioner was proceeded against *ex parte* on

25.09.2018. On the petition filed for preparation of a final decree, the Court appointed a Local Commissioner who visited the property and stated that division of the property was not possible and therefore sale of the same be ordered. Accordingly, order dated 13.11.2018 was passed. The petitioner herein filed an application for setting aside the *ex parte* proceedings on 15.11.2018. On 11.01.2019 the Court granted permission to the co-sharers to participate in the public auction of the property. Thereafter, the schedule for the public auction was issued. The property was subsequently sold and was purchased by three co-sharers who have 3/4th share. The auction proceedings were challenged before this Court by filing a civil revision petition being CR-1031-2019 which was eventually dismissed vide order dated 21.07.2022. Special Leave Petition being SLP(C) No.18800/2022 preferred by the petitioner herein was also dismissed by the Hon'ble Supreme Court vide order dated 13.08.2024. Thereafter, the present application was filed by the petitioner herein for granting an opportunity for filing objections which was dismissed vide impugned order dated 11.09.2024.

3. Learned counsel for the petitioner would contend that an opportunity ought to have been granted to the petitioner to file the objections.

4. Heard.

5. In the present case a perusal of the order passed by this Court in CR-1031-2019, which was dismissed vide order dated 21.07.2022, reveals that the co-sharers were all granted an opportunity to participate in the public auction however the petitioner chose not to participate in the same.

Thereafter, even on 06.12.2018 the petitioner chose not to participate in the proceedings. The orders of drawing up the sale warrants and the permission to participate in the public auction were challenged before this Court in civil revision petition being CR-1031-2019 which was dismissed vide order dated 21.07.2022. The said order was affirmed by the Hon'ble Supreme Court as SLP(C) No.18800/2022 preferred by the petitioner herein challenging the order dated 21.07.2022 passed in CR-1031-2019 was also dismissed vide order dated 13.08.2024. By way of the present application the petitioner herein in effect is seeking to put at knot the orders passed by the Hon'ble Supreme Court in SLP(C) No.18800/2022 dated 13.08.2024 and by this Court in CR-1031-2019 dated 21.07.2022. It has been averred in the application that initially the petitioner had appeared in the execution application however due to his health condition he could not appear thereafter. It has further been mentioned that subsequently the petitioner's son met with an accident and thereafter on coming to know of the orders, the petitioner approached this Court as well as the Hon'ble Supreme Court.

6. After the dismissal of SLP(C) No.18800/2022 by the Hon'ble Supreme Court on 13.08.2024, the present application was filed yet again in an endeavour to reopen the issues. As noticed in the order dated 21.07.2022 passed by this Court in CR-1031-2019, the sale had already taken place and the amount had already been deposited. The petitioner is only wanting to stall the proceedings and to delay them. Every possible step has been taken by the petitioner in order to try and stall the proceedings.

7. In view of the above, I do not find any merit in the present revision petition and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.01.2025

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No