

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

(126)

CR-7721-2025 (O&M)
Date of Decision:-**03.11.2025**

JASVIR KAUR AND ANOTHER

... Petitioners

Versus

RATTAN KUMAR AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Baljinder Singh Virk, Advocate;
Mr. Kirpaljeet Singh, Advocate for
Mr. Gurinder Singh Goraya, Advocate
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

The present revision petition, invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, impugns the orders dated 07.08.2025 (Annexure P-4) and 19.09.2025 (Annexure P-5). '*Per incuriam*', the learned Executing Court has partly allowed the execution application preferred by the respondent–Decree Holder and issued sale warrants qua the petitioners' property, '*in flagrantis et manifestis violatione*' of the procedural safeguards '*mandata lege*'.

2. There exists a money decree pertaining to the amount advanced to the husband of petitioner No.1 and the father of petitioner No.2, in satisfaction whereof the property of the petitioners is now sought to be brought to sale in execution of the said decree.

3. A perusal of the impugned order dated 07.08.2025 (Annexure P-4) reveals that warrants of attachment in respect of the judgment-debtor's



property were issued, and by a subsequent order dated 19.09.2025, the said property was directed to be put to sale. The issuance of these sale warrants has been challenged on the ground that the mandatory procedure contemplated under Order 21 Rule 66 of the Code of Civil Procedure, 1908 (for short, 'CPC') has not been adhered to by the learned Executing Court.

3.1. It is contended that the Executing Court was statutorily obliged to issue notice to the judgment-debtor (JD) under sub-rule (2) of Rule 66 of Order 21 CPC, enabling him to participate in the settlement of the sale proclamation. The said provision, being *sine qua non* to the validity of any sale proceedings, is reproduced here-in-below for ready reference:

“Rule 66 :-

Proclamation of sales by public auction:

- (1) Where any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court.
- (2) Such proclamation shall be draw up after notice to the Decree-Holder and the judgment-debtor and shall state the time and place of sale, and specify as fairly and accurately as possible-
 - (a) the property to be sold [or, where a part of the property would be sufficient to satisfy the decree, such part];
 - (b) the revenue assessed upon the estate, where the property to be sold is an interest in an estate or in part of an estate paying revenue to the Government;
 - (c) any incumbrance to which the property is liable;
 - (d) the amount for the recovery of which the sale is ordered; and
 - (e) every other thing which the Court considers material for a purchaser to know in order to judge of the nature and value of the property:
[Provided that where notice of the date for settling the terms of the proclamation has been given to the judgement-debtor by means of an order under rule 54, it shall not be necessary to give notice under this rule to the judgment-debtor unless the Court otherwise directs:
Provided further that nothing in this rule shall be construed as requiring the Court to enter in the

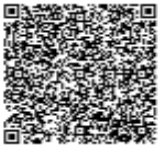


proclamation of sale its own estimate of the value of the property, but the proclamation shall include the estimate if any, given, by either or both of the parties.]

- (3) Every application for an order for sale under this rule shall be accompanied by a statement signed and verified in the manner hereinbefore prescribed for the signing and verification of pleadings and containing, so far as they are known to or can be ascertained by the person making the verification, the matters required by sub-rule (2) to be specified in the proclamation.
- (4) For the purpose of ascertaining the matters to be specified in the proclamation, the Court may summon any person whom it thinks necessary to summon and may examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.”

4. A perusal of the impugned order unequivocally reveals that the learned Executing Court, upon receiving the application under Order XXI Rule 66 of the Code of Civil Procedure, 1908, proceeded to issue proclamation for sale in a most perfunctory manner, without due application of mind and in disregard of the mandatory procedural safeguards embodied in the said provision. No notice was served upon the petitioner–Judgment Debtor (JD) prior to the settlement of the sale proclamation; nor does the record disclose any description or identification of the property sought to be sold. The proclamation is conspicuously silent as to the market value of the property, the existence or absence of encumbrances, and the precise decretal amount sought to be realized through such sale.

4.1. In view of these patent procedural infirmities, the impugned orders cannot withstand judicial scrutiny and are accordingly set aside. The revision petition is consequently allowed.



5. However, it is made explicit that the observations recorded here-
in-above shall not be construed as an expression of opinion on the merits of
the case. They are purely confined to the adjudication of the present
controversy and the scope of deliberation undertaken in this petition.

6. Since the main matter stands disposed of, any pending
miscellaneous application(s), if existing, shall also stand disposed of
accordingly.

03.11.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No