



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

**Civil Revision No. 1827 of 2021 (O&M)
Date of Decision: 23.03.2026**

Rajesh Kumar

..... Petitioner

Versus

Nuchem Employees, Union Tohana, Tehsil
Tohana, District Fatehabad and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Mohit Kumar, Advocate for
Mr. Gaurav Jain, Advocate
for respondent No. 1-Decree Holder.

Petition stands dismissed qua respondent Nos. 2 (i) & (ii)
being not pressed, vide order dated 15.07.2025.

Mr. Pulkit Goyal, Advocate
for respondent No. 3-Punjab National Bank.
(through video-conferencing)

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 03.08.2019 (Annexure P-1) passed by the learned Chief Judicial Magistrate, Fatehabad-cum-Executing Court, whereby objections preferred at the instance of respondent No. 3-Bank against the auction held on 17.10.2018 in favour of the petitioner *qua* land measuring 39 kanal 2 marla (as mentioned in auction proceedings/Annexure P-3) were allowed.

[2] In short, a decree pertaining to outstanding labour dues was passed against respondent No. 2 and in favour of respondent No. 1. In execution thereof, the subject property owned by respondent No. 1 was put to auction on 17.10.2018, wherein the petitioner happened to be the highest bidder. Though, the entire auction amount was deposited by the petitioner with the learned Executing Court, however, the auction was set aside on an application / objections preferred by respondent No. 3 on the ground that the subject property was kept as security (equitable mortgaged) with respondent No. 3-Bank by respondent No. 2 (Borrower) and thus, the same could not have been put to auction. Such objections were allowed by the learned Court below vide order dated 03.08.2019 which has been assailed by way of present revision petition.

[3] I have learned counsel for the parties and considered their respective submission(s).

[4] Without going into the merits of the objections at this stage, it may be noticed here that though, undisputedly the petitioner happens to be the auction purchaser, being the highest bidder, however, from the record, it can be discerned that neither any notice was ever served upon him nor was any opportunity given by the learned Court below before proceeding further and adjudicating upon the objections preferred at the instance of respondent No. 3-Bank. In such circumstances, the impugned order being violative of natural justice, the same is set aside and the matter is remitted to the learned Court below for fresh adjudication after associating the petitioner on the objections preferred at the instance of respondent No. 3-Bank. Pertinently, the petitioner being the auction purchaser in the given facts and

circumstances becomes an affected party and as such was required to be heard before dealing with the objections preferred by respondent No. 3 against the auction held under the Court orders.

[5] The parties are thus directed to appear before the Court below on 08.04.2026.

[6] **Disposed off** accordingly.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

March 23, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>