

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

(111)

CR-7872-2025 (O&M)
Date of Decision: **22.04.2026**

KULJINDER SINGH

... Petitioner

Versus

GURPREET SINGH AND ANOTHER

... Respondents

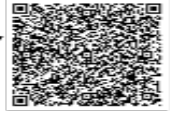
CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vivek Prakash, Advocate with
Ms. Simrandeep Kaur, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been instituted under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court, to assail the order dated 14.10.2025 (**Annexure P-1**), whereby the learned Executing Court has dismissed the petitioner's application seeking issuance of a sale certificate in respect of property sold in execution proceedings.

2. In a succinct conspectus of the material facts, the petitioner preferred an application before the learned Executing Court for issuance of a sale certificate pursuant to the auction sale of the subject property. It is averred that the petitioner, being the highest bidder, tendered the entire bid amount through cheque dated 04.03.2025, which was duly accepted by the Auction Officer. Notwithstanding such compliance, the learned Executing



Court proceeded to dismiss the said application, necessitating the filing of the present petition.

3. Learned counsel for the petitioner has contended that the impugned order is vitiated by patent illegality and non-application of mind, inasmuch as the petitioner, having emerged as the highest bidder, fulfilled all conditions of sale by tendering a cheque amounting to ₹18,21,000/- bearing No. 000053 dated 04.03.2025, drawn in favour of the Executing Court and accepted by the competent authority. It is submitted that although the petitioner was required to deposit the sale consideration within fifteen days from the date of auction, the entire amount was deposited on the very same day, thereby demonstrating scrupulous compliance with the prescribed conditions. It is further contended that the refusal to confirm the sale and issue the sale certificate is wholly unjustified, particularly when any failure to encash the cheque lies within the administrative domain of the Court, for which the petitioner cannot be made to suffer.

4. I have heard learned counsel for the petitioner at considerable length and have meticulously perused the paper-book.

5. A careful perusal of the impugned order demonstrates that the bid amount was never duly tendered in accordance with law. The record reflects that the cheques stated to have been issued by the applicant were not encashed and continue to lie on the judicial file, thereby evidencing non-fulfilment of the mandatory conditions governing the auction process. The initial statutory requirement of deposit of 25% of the bid amount at the fall of the hammer, as well as the obligation to deposit the remaining consideration within the stipulated period of fifteen days, stand



uncomplished with. The mere issuance and handing over of cheques to the Court auctioneer cannot be construed as valid payment or satisfaction of the requisite conditions, since a cheque does not constitute unconditional discharge of liability until it is realized. It is susceptible to dishonour on multiple contingencies, including 'insufficiency of funds, closure of account, mismatch of signatures, or stoppage of payment', and therefore does not amount to effective payment in law at the relevant time.

5.1. Moreover, a cheque is not an instrument of immediate realisation; it necessarily entails presentation to the bank and subsequent processing, which ordinarily consumes one or two days for clearance. Consequently, the stipulation requiring payment of 15% of the bid amount contemporaneously with the fall of the hammer stands unfulfilled where such payment is purportedly made through a cheque.

5.2. It is further noted that the decree-holder has already settled the matter with the judgment-debtor and the execution proceedings stand dismissed as withdrawn. In such circumstances, where the foundational conditions for a valid auction sale stand unfulfilled, no enforceable right can be said to have accrued in favour of the petitioner. The learned Executing Court, therefore, committed no illegality or jurisdictional error in declining the relief sought. The petition is, thus, found to be devoid of merit and is accordingly **dismissed**.

6. It is, however, clarified that the observations made hereinabove are confined strictly to the adjudication of the present petition and shall not be construed as an expression of opinion on the merits of the underlying dispute. The same shall not prejudice the rights or contentions of any party in any other proceedings.



7. In view of the disposal of the principal petition, all pending miscellaneous applications, if any, also stand disposed of. No further orders are required to be passed.

22.04.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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