
(2009) 07 P&H CK 0049
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 4202 of 2009

Jai Parkash

APPELLANT

Vs

State Bank of Patiala

RESPONDENT

Date of Decision : 28-07-2009

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2010) 2 CivCC 458 : (2010) 2 RCR(Civil) 312

Hon'ble Judges : Sham Sunder, J

Bench : Single Bench

Advocate : R.K. Doon, for the Appellant;

Final Decision : Dismissed

Judgement

Sham Sunder, J.—This revision-petition, under Article 227 of the Constitution of India, for setting aside the order dated 08.11.2008 (Annexure PI), passed by the Court of Additional Civil Judge (Senior Division), Narwana, has been filed by the revision-petitioner.

2. The petitioner, was advanced term loan, amounting to Rs. 1,70,000/-, for agricultural finance, by the State Bank of Patiala, in the year 1996. He failed to pay the same. A suit for recovery, was filed, which was decreed.

3. The execution application, was filed on 08.11.2008. None appeared, on behalf of the judgment debtor/petitioner. The Court below, came to the conclusion, that the judgment debtor, had not honoured the repeated assurances given by him, to pay the remaining decretal amount. The Court below, further came to the conclusion, that the sale warrant, was issued, but the sale, could not be effected, as no bidder came forward, to give the bid, in the auction. In such a situation, the Court below, allowed the application, under Order 21, Rule 72 of the CPC of the decree holder, for giving the bid, at the time of sale of the property of the judgment debtor.

4. Feeling aggrieved, against the order dated 08.11.2008, referred to above, the

instant revision-petition, has been filed by the revision-petitioner.

5. I have heard the Counsel for the revision-petitioner, and have gone through the record of the case, carefully.

6. The Counsel for the revision-petitioner, submitted that the interest, which was awarded to the decree holder, by the Court below, was excessive. He further submitted that some amount, had already been paid by the judgment debtor, to the decree holder. He further submitted that the judgment debtor, be given sometime, to pay the remaining amount, but the interest awarded by the Court below, be reduced. He further submitted that the order dated 08.11.2008, being illegal, was liable to be set aside.

7. After giving my thoughtful consideration, to the contentions, raised by the Counsel for the revision-petitioner, in my considered opinion, the revision-petition, deserves to be dismissed, for the reasons to be recorded, hereinafter. Since the judgment debtor, failed to pay the entire decretal amount, and even did not appear, in the Executing Court, on 08.11.2008, no alternative, was left with the Court below, to proceed further. The Court below, in the order impugned, in clear-cut terms, recorded that, the sale warrant, was issued, but as per the report, none came forward, to give the bid. It was, under these circumstances, that the application, under Order 21, Rule 72 of the Code of Civil Procedure, filed by the decree holder, for giving the bid, was allowed. The interest awarded by the concerned Court, cannot be varied, in these proceedings. In case, the judgment debtor, had any grievance, against the judgment and decree passed, against him, he could challenge the same, in the higher Court. No infirmity, could be pointed out, by the Counsel for the revision-petitioner, in the order impugned. The order impugned, does not suffer, from any illegality, material irregularity, or perversity, warranting interference, by this Court, in its revisional jurisdiction, under Article 227 of the Constitution of India. The same is liable to be upheld.

8. For the reasons recorded above, the revision-petition, being devoid of merit, must fail, and the same is dismissed.