
(2011) 04 P&H CK 0112
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 2580 of 2011

Satbir

APPELLANT

Vs

State Bank of Patiala

RESPONDENT

Date of Decision : 21-04-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 72, Order 21 Rule 83, Order 21 Rule 83(2), Order 21 Rule 84, Order 21 Rule 86

Citation : (2011) 04 P&H CK 0112

Hon'ble Judges : M.M.S. Bedi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.M.S. Bedi, J.—A perusal of the impugned order dated June 15, 2010 indicates that the sale warrants had been issued for auction of the immovable property of the Petitioner/ judgment debtor, as no bidder came forward despite six dates having been fixed in the year 2006 and 2007. The Executing Court has granted permission to the decree-holder to participate in the bidding fixing the date of sale as August 14, 2010 and for submission of report on August 28, 2010.

2. It has been informed that the date of auction now fixed by the Executing Court is April 22, 2011. Counsel for the Petitioner has submitted that the Petitioner/ judgment debtor has got an intention to make the payment to the decree holder bank.

3. A perusal of the impugned order also indicates that counsel for the Petitioner had sought number of adjournments for payment but payments were not made.

4. After hearing counsel for the Petitioner, I am of the opinion that in case the Petitioner wants the postponement of the sale to enable him to pay the decretal amount by raising the amount of decree, he has got a right to file an application under Order 21 Rule 83 CPC for postponement of the sale of the property in order to enable him to raise the amount. The Executing Court if satisfied with the

bonafides of the Petitioner can grant a certificate to the judgment debtor authorizing him to arrange the money by granting a certificate as per Order 21 Rule 83(2) Code of Civil ProcedurePC. In case of default of the Petitioner, the provisions of Order 21 Rule 84 and Rule 86 can be adverted to.

5. Counsel for the Petitioner has contended that the order passed by the Executing Court permitting the decree holder Bank to participate in bidding is bad as while granting leave to bid to the decree-holder under Order 21 Rule 72(a) Code of Civil ProcedurePC, the Court has not fixed the reserved price.

6. The said objection can always be taken by the Petitioner before the Executing Court for implementation of the statutory provision.

7. With the above observation, no ground is made out for interference.

8. The revision petition is dismissed.

9. Counsel for the Petitioner, at this stage, has submitted that the objections submitted by the Petitioner have not been decided by the Executing Court.

10. The Petitioner may make a request to the Executing Court for adjudication of the objections. In case any such application is filed, the trial Court will expeditiously dispose of the objections.