



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

(125)

CR-6929-2025 (O&M)
Date of Decision:-29.09.2025

ANKUR BOORA

... Petitioner

Versus

SATISH KUMAR JAIN AND ANOTHER

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ajay Kumar Kansal, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India assailing the orders dated 29.03.2025 and 23.07.2025 passed by the Executing Court and order dated 30.07.2025 passed by the learned First Appellate Court, whereby, the execution of the decree has not been stayed during the pendency of the appeal rather the order of the Executing Court was modified to some extent.

2. The said orders have been assailed primarily on the grounds that before attachment of the property of the petitioner, no notice was issued to the petitioner as petitioner is a third party owner of the property as JD has transferred the property to the petitioner in the year 2014 much before passing of the money decree dated 26.02.2018 which is under execution and the property owned by the petitioner was not subject matter of the litigation before learned Civil Judge and now the money decree is being sought to be executed by attachment and sale of the property of petitioner. Petitioner filed objections against the attachment of the property, which were dismissed vide order dated 23.07.2025 by the Executing Court. He has specifically raised an objection that he and his brother Ankush were not informed about the attachment proceedings



nor they were ever provided any opportunity of hearing. Learned counsel further assails the order on the ground that the Executing Court has not considered that objection and has dismissed the same by observing that since their father JD Baljeet Singh was before the Court. Petitioner had preferred appeal and the same was entertained and notice of appeal as well as stay application was issued. Later on the order passed by the Executing Court was modified vide order dated 30.07.2025 by the learned First Appellate Court. Now, the property of petitioners is put to sale and auction is fixed for tomorrow i.e. on 30.09.2025.

3. Counsel for the petitioner after arguing at some length has submitted that he would be satisfied if the auction of his property is stayed in the meantime and First Appellate Court is directed to dispose of his appeal in a time bound manner.

4. Considering the fact that property of the petitioner, who is third party objectors is going to be put to sale for realization of the decretal amount and in case, the property of the petitioner is sold, the appeal filed by the petitioner would become infructuous, as such, the auction of the property of the petitioner is stayed and the learned First Appellate Court is directed to dispose of the appeal within a period of one month from the date already fixed before the Court below.

5. Accordingly the present petition stands disposed of. Pending miscellaneous applications, if any, also stand disposed of.

29.09.2025

S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No