

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

134

CR-3463-2025 (O&M)

Date of decision: 26.08.2025

Amandeep Singh @ Lucky and others

...Petitioner(s)

Vs.

Kusum Rani since deceased through LRs

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Mr. Ritesh Tomar, Advocate
for the petitioners.

NIDHI GUPTA, J.**CM-16993-CII-2025**

This is an application under Section 151 CPC for placing on record certain additional documents as Annexures P-6 to P-9.

2. Heard.

3. Application is allowed, and the additional documents are taken on record as Annexures P-6 to P-9, subject to all just exceptions.

Registry is directed to tag the same at appropriate place.

CR-3463-2025 (O&M)

The present Civil Revision Petition has been filed by the defendants/judgment debtors under Article 227 of the Constitution of India for setting aside of the impugned order dated 13.05.2024 (Annexure P-4) passed by the learned Civil Judge (Senior Division)



Balachaur, District SBS Nagar, vide which the Sale Certificate was issued to the Decree Holder subject to the fulfilment of the certain terms and conditions as per law and the execution was disposed of being fully satisfied without affording any opportunity to the judgment debtors to file any objections.

2. Learned counsel for the petitioners submits that the learned Executing Court could not have passed the impugned order issuing Sale Certificate in respect of the suit property as the suit property already stood mortgaged with the Central Bank of India. It is submitted that due to non-payment of EMIs, property was declared as NPA and the SARFAESI proceedings were initiated against the suit property. Order under Section 14 of the SARFAESI Act was passed for taking physical possession of the property as evident from the documents pertaining to the SARFAESI Act proceedings against the property in dispute (Annexure P5). It is contended by learned counsel for the petitioners that as per provision of Section 14 of the SARFAESI Act, the Executing Court being a Civil Court lacks jurisdiction to override or interfere with the measures taken under the SARFAESI Act. Therefore, impugned order could not have been passed.

3. It is further submitted that the suit property is the only residential premises of the petitioners; where they are residing. It is submitted that petitioners have been facing financial hardship and that the petitioners shall pay the decretal amount of Rs.7 lacs along with interest thereupon at the earliest. It is further submitted that the value



of the suit property is about Rs.80 lacs at present, which is disproportionate to the decretal amount. It is accordingly prayed that the present Civil Revision be allowed; and the impugned order be set aside.

4. No other argument is made by Id. counsel for the petitioners.

5. Heard learned counsel and perused the case file in great detail.

6. I have given my very thoughtful consideration to the submissions made on behalf of the petitioners. However, in view of the facts as recorded herein below, this Court is unable to grant prayer of the petitioners.

7. The record reveals that the respondents/plaintiffs had filed a suit for specific performance with alternative prayer for recovery of Rs.7 lacs against the petitioners. The suit was decreed ex parte against the petitioners vide judgment and decree dated 20.10.2023 (Annexure P-1) holding the plaintiffs entitled to recover earnest amount of Rs.7 lacs along with interest @ 6% p.a. Against the said judgment and decree, the petitioners had filed an Appeal dated 13.02.2024 (Annexure P-2), which is stated to be still pending before the learned District Judge, SBS Nagar. In the meantime, the respondents had filed an Execution Application dated 07.12.2023 (Annexure P-3), which has been disposed of vide the impugned order dated 13.05.2024 (Annexure P-4).

8. On a Court query as to why the above said objections have not been taken by the petitioners before the learned Executing Court,



learned counsel for the petitioners has candidly replied that although the petitioners had put in appearance before the learned Executing Court however, they had not filed objections.

9. A perusal of the zimni orders (Annexure P-6 colly) shows that it is recorded in zimni order dated 12.03.2024 that the sale of the suit property stands confirmed whereby warrant of sale had been received back executed and report regarding the same was attached. On the said date, a further opportunity was granted to the petitioners to file objections and matter was adjourned for 13.05.2024. However, even on the said date, no objections were filed by the petitioners. Therefore, the sale came to be made absolute vide virtue of Order 21 Rule 92 CPC and Sale Certificate was issued by virtue of Order 21 Rule 94 CPC to the Decree Holders and the Execution Petition stood disposed of being fully satisfied.

10. It has been contended by learned counsel for the petitioners that the said sale could not have been confirmed by the Executing Court in view of the fact that the suit property stood mortgaged with the Central Bank of India. However, it appears that the said fact was never brought to the notice of the Executing Court by the petitioners as no objections were filed. Even otherwise, perusal of Annexure P-5 shows that the same is application dated 14.08.2024 made by Central Bank of India under Section 14 of the SARFAESI Act to the District Magistrate, SBS Nagar; which application is made after the confirmation of sale of



suit property in favour of the respondents/plaintiffs by the Executing Court vide orders dated 12.03.2024 and 13.05.2024.

11. In view of the above, no ground is made out to interfere in the impugned order dated 13.05.2024 (Annexure P-4). The present Civil Revision Petition, accordingly, stands **dismissed**.

12. Pending application(s) if any also stand(s) disposed of.

26.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No