

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129****CR-3227-2025(O&M)****Date of decision: 26.05.2025****Canara Bank****...Petitioner(s)****Vs.****Vijay Kumar Aggarwal & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Rahish Pahwa, Advocate
for the petitioner.*********NIDHI GUPTA, J.**

Present Revision Petition has been filed under Article 227 of the Constitution of India praying for setting aside the Execution Application in CIS No.EXE-167-2022 titled as "Vijay Kumar Aggarwal Vs. The Assistant General Manager" (Annexure P14) including all the subsequential proceedings.

2. Brief facts of the case are that the respondent No.1 had filed an application dated 26.07.2018 under Section 22C of the Legal Services Authorities Act, 1987 before the Permanent Lok Adalat, Public Utility Services, Camp Court at Narnaul, praying for a direction to the petitioner to hand over possession of the suit property. It was pleaded in the said application that the respondent No.1 had participated in the mega E-auction in respect of the secured assets of M/s Sangam Poultry Feed Mills upon which sale of plot measuring 450 square yards was confirmed in favour of the respondent No.1; pursuant to which respondent No.1



deposited Rs.1,54,000/- as 10% of the bid on 11.12.2017; and remaining amount of Rs.2,50,000/- on 19.12.2017; and remaining amount of Rs.11,54,751/- was kept in account for payment. The respondent No.1 had requested the Branch Manager of the petitioner-Bank to provide legal possession of the E-auction property on various dates from 10.01.2018 to 16.05.2018 but the petitioner paid no heed to the request of respondent No.1. As such, respondent No.1 had filed the said application dated 26.07.2018; which was disposed of by the Permanent Lok Adalat vide Award dated 06.10.2022 (Annexure P13) to the following effect: -

“11. After ignoring the documents Ex.R16 to Ex.R18 there is absolutely no evidence on file to substantiate the fact that the applicant was ever informed by the respondents to take the possession of the property and to get the sale deed registered in his favour. It was the duty of the respondents to intimate the applicant just after taking the possession of the property to get the sale deed registered but no such intimation was ever sent by the respondents to the applicant. Now the applicant cannot be compelled to take the possession and to get the sale deed registered in his favour and moreover as per the statement of the applicant the respondents have removed all the machineries and have dismantled the infrastructure. This fact has not been denied by Smt. Bhawna, Assistant Manager, Canara Bank, Branch Narnaul in her statement which was recorded on 20.01.2022. It was just deposed by Smt. Bhawna that the Branch Manager is not empowered to refund the amount deposited by the applicant. She did not depose that the



bank has not removed the machineries and did not dismantle the infrastructure. In the given circumstances we are of the considered opinion that the interest of justice shall be fully met if the respondents are directed to refund the amount i.e. Rs.1,54,000+2,50,000=4,04,000/- to the applicant.

12. In view of our above discussion and observations the present application, filed by the applicant, is hereby allowed. The respondents are directed to refund an amount of Rs.4,04,000/- (Rupees Four Lakh Four Thousand Only) to the applicant alongwith interest 7.5% from the date of filing of the present application till realization. The respondents are also directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the applicant as compensation on account of harassment etc.

13. This award is passed accordingly. File be consigned to the record-room after due compliance.”

3. The said Award dated 06.10.2022 was challenged by the petitioner before this Court by way of Civil Writ Petition No.1667-2023, which was disposed of as not pressed by Co-ordinate Bench of this Court vide order dated 12.04.2023 (Annexure P15).

4. Thereafter, respondent No.1 had filed Revision Petition No.129 (Annexure P14) seeking execution of the Award dated 06.10.2022 passed by the Permanent Lok Adalat.

5. It is submitted by learned counsel for the petitioner-Bank that in pursuance to the Award dated 06.10.2022, the petitioner had duly refunded the amount of Rs.4,04,000/- to respondent No.1 vide



letter/transaction slip dated 07.10.2023 (Annexure P16). The receipt dated 07.10.2023 issued by respondent No.1 in respect of the said amount is Annexure P17. Learned counsel contends that in this situation, there was no cause or occasion for respondent No.1 to have filed the Execution Petition.

6. No other argument is made on behalf of the petitioner.

7. I have heard learned counsel for the petitioner and perused the case file in great detail.

8. Clearly, the veracity and authenticity of the alleged transaction slip (Annexure P16) or the receipt (Annexure P17) cannot be established before this Court. On a direct Court query, learned counsel for the petitioner has very candidly admitted that objections have not yet been filed by the petitioner before the learned Executing Court. In view of the same, no ground is made out to grant the prayer made by learned counsel for the petitioner. Present Revision Petition accordingly stands **dismissed**.

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

26.05.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No