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

CR-2497-2025

Date of decision: 28.04.2025

UCO Bank

...Petitioner

Versus

Luminous Power Technologies Pvt. Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Mittal, Advocate for the petitioner.

Mr. Gunjan Rishi, Advocate and
Mr. Maninder Singh Saini, Advocate
for respondent No.1/Caveator.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 23.01.2025 (Annexure P-7) passed by the Additional District Judge, Kurukshetra, whereby the third party objections of the petitioner have been dismissed.

2. Learned counsel for the petitioner has submitted that in the present case, the mortgage in favour of the bank is dated 30.05.2014 whereas the proceedings, from which the award dated 11.01.2016 had culminated, were initiated in the year 2015 as the same have been stated to be Arbitration Case No.1 of 2015. It is further submitted that only a decree for recovery of money was passed in favour of respondent No.1, which is also subsequent to the mortgage in favour of the petitioner. It is further submitted that in the said situation, the petitioner-bank has a preferential



right of their claim being satisfied.

3. Learned counsel for respondent No.1-Caveator, in view of the same, has very fairly submitted that the auction proceedings be conducted and the amount from the auction proceedings be put in a fixed deposit and then the same amount be distributed first to the petitioner but the balance be paid to respondent No.1 who is the decree holder.

4. During the course of arguments, a consensus has been arrived at between learned counsel for the petitioner and learned counsel for respondent No.1 (decree holder) and in view of the same, the present revision petition is disposed of with the following observations/directions:-

- i) Order dated 23.01.2025 rejecting the third party objections is set aside/modified with the observation that the present petitioner, who is the prior mortgagee, would have a right to participate in the proceedings.
- ii) It would be open to the Executing Court to auction the property in question and from the said auction, the claim of the petitioner-bank would be satisfied first and the remaining amount would be paid to respondent No.1-decree holder to the extent of the decree. Needless to say that in case any further amount is left then the same would be disbursed, in accordance with law.
- iii) Every endeavour would be made by the parties to assist the Executing Court in carrying out the auction duly for the highest price possible.

28.04.2025

Pawan

**Whether speaking/reasoned:-
Whether reportable:-**

(VIKAS BAHL)

JUDGE

Yes/No

Yes/No