



120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-5800-2025

Date of Decision: August 27, 2025

Gurpardeep Singh Mann

...Petitioner

Versus

Pirithi Singh (deceased) through LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anand Chhiber, Sr. Advocate with
Ms. Ateevraj Sandhu and Mr. Tajeshwar Sullar, Advocates
for the petitioner.

DEEPAK GUPTA, J.(Oral)

Pursuant to the auction sale, the petitioner herein purchased the property. He is thus the auction purchaser. An application under Order 21 Rule 89 CPC (referred as Section 151 CPC) was moved by the legal representatives of the judgment debtor for setting aside the sale dated 29.05.2004 and to permit them to deposit the decretal amount. On 07.03.2025, the Executing Court permitted the applicants to deposit within 10 days a sum equal to 5% of purchase money plus the amount specified in the proclamation of sale. Said order was apparently passed keeping in view the provisions of Order 21 Rule 89 CPC. As the applicants-LRs of judgment debtor failed to comply with the order dated 07.03.2025, the sale was confirmed in favour of the petitioner vide order dated 18.03.2025. Application was then moved by LRs of judgment debtor to extend the time to make compliance of the order dated 07.03.2025 and also to recall the order dated 18.03.2025. However, the Executing Court declined the same vide order dated 15.04.2025, which was assailed before the Appellate Court. The Appellate Court by way of the impugned order dated 29.07.2025, in order to protect the subject matter of *lis*, stayed the operation of the order dated 18.03.2025 and 15.04.2025 till further orders

only and further restrained the parties from creating third party rights qua the suit property and also directed them to maintain status quo qua possession. The matter was adjourned for final arguments.

2. It is the aforesaid interim order, which is being assailed by the petitioner herein, i.e. auction purchaser, contending that the order is in violation of the provisions of CPC and judgments of Hon'ble Supreme Court cited at bar before this Court.

3. This Court has considered submissions of learned senior counsel for the petitioner at considerable length and is of the view that as the impugned order is only an interim measure so as to protect the subject matter of the property in dispute, so no interference is called for. All the legal pleas being raised by learned senior counsel, can be raised by the petitioner before the Appellate Court, which will be at liberty to decide the same in accordance of law, without being influenced by any observation of this Court.

4. As such, the present petition is hereby disposed of with a direction to the Appellate Court concerned to dispose of the matter expeditiously, preferably within next 03 months. Petitioner will be at liberty to raise all the pleas before the Appellate Court as have taken before this Court.

August 27, 2025
sarita

(DEEPAK GUPTA)
JUDGE

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