



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

(128)

**CR-6946-2025 (O&M)**  
Date of Decision:-**29.09.2025**

VINOD KUMAR

... Petitioner

Versus

SIMRAN AND OTHER

... Respondents

\*\*\*\*

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

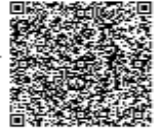
Present:- Mr. Sanjay Verma, Advocate  
for the petitioner.

\*\*\*\*

**VIRINDER AGGARWAL, J.** (Oral)

Invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, the petitioner calls in question the legality and propriety of the order dated 22<sup>nd</sup> August, 2025 (Annexure P-7), rendered by the learned Civil Judge (Junior Division), Ambala, whereby the third-party objections instituted by respondent No. 3 have been entertained and allowed.

2. By virtue of the impugned order, the learned Civil Judge has upheld the third-party objections raised by Sh.Vivek Anand on the premise that he had lawfully acquired the property through a valid auction conducted under the provisions of the SARFAESI Act, which, being a special legislation, overrides any pending execution proceedings. It was held that upon culmination of the SARFAESI proceedings, Judgment Debtor ('JD' for short) No. 1 ceased to have any right, title, or interest in the property. The objector had purchased the property in the e-auction held on 18.03.2025,



pursuant to which the financial institution had already taken physical possession on 02.05.2024. A sale certificate was thereafter issued in his favour on 20.03.2025, and the physical possession was duly delivered to him.

3. Conversely, the petitioner/decreed-holder resisted the objection petition on the ground that the Court had ordered attachment of the property of the judgment debtor vide order dated 28.02.2025, and such attachment was duly effected on 21.03.2025. It was contended that a purchaser who acquires the property during the pendency of the litigation cannot be permitted to obstruct the execution of a valid decree passed by a competent Court. However, the learned Civil Judge allowed the objection petition, set aside the attachment, and ordered release of the property from attachment. The reasoning assigned was that the objector had purchased the property in the e-auction held on 18.03.2025, i.e., prior to the date of attachment, and as on 21.03.2025 the judgment debtor was no longer the owner of the property, third-party rights having already accrued in favour of the auction purchaser. It was further observed that the property in question was not the subject matter of the original litigation, as the decree under execution was a money decree, sought to be satisfied by attachment and sale of the JD's property. Since it stood established on record that the property had already been lawfully sold in auction proceedings under the SARFAESI Act prior to the attachment, no illegality or perversity could be attributed to the impugned order. The learned Civil Judge has rightly exercised the jurisdiction vested in him, and the impugned order warrants no interference by this Court. Accordingly, the present petition is found to be devoid of merit and is hereby dismissed.



4. It is, however, clarified that the observations recorded here-in-above are not to be construed as an expression of opinion on the merits of the main dispute between the parties. The findings are strictly confined to the limited controversy arising for consideration in the present proceedings and the discussion is to be understood in that limited context alone.

5. In view of the fact that the main petition stands adjudicated, all pending miscellaneous application(s), if any, shall also stand disposed of accordingly, with no further orders required.

**29.09.2025**  
Gaurav Sorot

**( VIRINDER AGGARWAL )**  
**JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No