



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(119)

CR-6800-2025 (O&M)  
Date of Decision:-**24.09.2025**

SATISH KUMAR

... Petitioner

Versus

RAKESH AND OTHERS

... Respondents

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

Present:- Mr. Ravi Kumar Girdhwal, Advocate  
for the petitioner.

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

1. By way of the present revision petition, the petitioner has challenged the order dated 08.08.2025, passed by the learned Executing Court, whereby a '*warrant of auction*' in respect of the property of the Judgment Debtor (for short JD") was issued. The petitioner contends that the said order is liable to be set aside on grounds to be urged in the petition, and seeks appropriate relief from this Court.

2. A perusal of the impugned order reveals that the warrants of attachment in respect of the Fixed Deposit Receipt (for short "FDR") of the petitioner were executed and returned with compliance, and the bank was directed to transfer the proceeds of the FDR to the account of the Decree-Holder (for shot "DH"). Subsequent thereto, the learned Executing Court, in



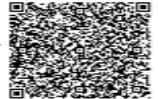
exercise of its discretion, has directed the auction of the property of the JD for the recovery of the balance decretal amount.

3. For ease of reference and in order to facilitate consideration of the issues raised in the present petition, the impugned order is set out in full as follows:-

Warrant of attachment issued qua property of JD received back duly served. At the same time, warrant of attachment issued qua FD No.38920464057 also received back duly served. Learned counsel for decree-holder requested that amount of FD No.38920464057 be ordered to be released in favour of decree-holder. Submissions heard. In view of the aforesaid facts, amount of FD No.38920464057 is ordered to be released in favour of decree-holder- namely Rakesh in his bank account number 524202010012443 of Union Bank of India, IFSC Code: UBIN0552429, Branch Siwani. Copy of this order be sent to Manager of SBI Bank, Loharu road, Charkhi Dadri for information and necessary action. Let warrant of auction qua property of JD be issued for recovery of remaining decretal amount as per following schedule:-

<b>Notice</b>	<b>:</b>	<b>18.08.2025</b>
<b>Munadi</b>	<b>:</b>	<b>28.08.2025</b>
<b>Auction</b>	<b>:</b>	<b>09.10.2025</b>
<b>Report</b>	<b>:</b>	<b>18.10.2025</b>

4. A perusal of the impugned order reveals that the learned Executing Court has not applied its mind while passing the same. The deficiencies in the impugned order can be summarized as follows:-



- ▶ **No reference to total decretal amount:** The impugned order does not specify the total amount recoverable in execution of the decree.
  
- ▶ **Attachment of FDR not clearly recorded:** There is no mention of the amount attached through the FDR and transferred to the account of the DH.
  
- ▶ **Outstanding balance not stated:** The order fails to indicate the balance amount remaining to be recovered after adjustment of the FDR amount.
  
- ▶ **Property for auction not identified:** The impugned order does not specify which property of the JD is to be put to auction.
  
- ▶ **Attachment status of the property unclear:** It is not clarified '*whether the property proposed for auction has already been attached or not*'?

4.1. The omissions noted here-in-above render the impugned order factually incomplete and demonstrate a manifest failure to exercise judicial mind. In view of the same, interference by this Court is warranted in the exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, to ensure that the matter is reconsidered in accordance with law and principles of natural justice.



5. In view of the foregoing discussion, it is evident that the impugned order has been passed without adherence to the mandatory provisions of Order 21 of CPC. In consequence, the impugned order is hereby set aside, and the petition filed by the petitioner is allowed. The Executing Court is directed to reconsider and decide the matter afresh in accordance with law, ensuring strict compliance with the statutory provisions and principles of natural justice.

6. However, it is clarified that the observations made here-in-above are not intended, and shall not be construed, as any expression of opinion on the merits of the case. The same are strictly confined to the issues arising in the present controversy and the limited deliberations necessary for the disposal of the petition under consideration.

7. In view of the disposal of the main case, any and all pending miscellaneous applications, if remaining, are also disposed of in consequence thereof, and no further directions are required in respect of such applications.

24.09.2025

( **VIRINDER AGGARWAL** )  
JUDGE

CR-6800-2025 (O&M)

-:4:-

2025:PHHC:133164



**Gaurav Sorot**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No



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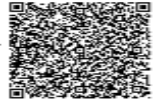
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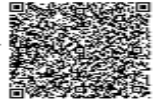
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5. In view of the foregoing discussion, it is evident that the impugned order has been passed without adherence to the mandatory provisions of Order 21 of CPC. In consequence, the impugned order is hereby set aside, and the petition filed by the petitioner is allowed. The Executing Court is directed to reconsider and decide the matter afresh in accordance with law, ensuring strict compliance with the statutory provisions and principles of natural justice.

6. However, it is clarified that the observations made here-in-above are not intended, and shall not be construed, as any expression of opinion on the merits of the case. The same are strictly confined to the issues arising in the present controversy and the limited deliberations necessary for the disposal of the petition under consideration.

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