

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

2025:PHHC:096282



CR No. 4919 of 2025 (O&M)
DECIDED ON: 30th July, 2025

Rajeshwar Goyal

....PETITIONER

VERSUS

Ashima Garg

....RESPONDENT

CORAM: HON'BLE MS. JUSTICE **NIDHI GUPTA.**

Present: Dr. Pankaj Nanhera, Advocate for petitioner.

NIDHI GUPTA., J (ORAL)

The present revision petition has been filed by the defendant/judgment-debtor under Article 227 of the Constitution of India, seeking setting aside of the order dated 14.07.2025 (Annexure P-2) passed by the learned Civil Judge (Senior Division), Faridabad, in Execution Petition No. 206 of 2024 titled as *Aashima Garg Versus Rajeshwar Goyal etc.* whereby property of the petitioner has been ordered to be attached by way of public auction.

2. Learned counsel for the petitioner submits that the impugned order is *prima-facie* unsustainable as subject property of the auction, is already charged and under symbolic possession with the HDFC Bank, as is evident from the possession notice dated 09.03.2020 (Annexure-P3). It is submitted that therefore the subject property could not have been attached in the present execution proceedings initiated by the respondent. It is submitted that the HDFC Bank has already issued possession notice dated 09.03.2020 under the SARFAESI Act cautioning the public at large not to deal with the mortgaged property and declaring that anyone dealing

with the same would be subject to charge of the bank. It is further submitted that although the said facts were brought to the notice of the learned Executing Court, however, the objection of the petitioner in this regard has been dismissed and the learned Executing Court has allowed the auction of the same property vide impugned order dated 14.07.2025. It is reiterated that because the property already stood attached as above, the same cannot be sold in auction by the impugned order dated 14.07.2025. Therefore, he prays for setting aside of the impugned order.

3. No other argument is made on behalf of petitioner.
4. I have heard learned counsel for the petitioner.
5. I find no merit in the submissions made on behalf of petitioner.
6. Brief facts are that respondent No.1 has filed a suit for recovery of an amount of Rs.20,67,200/- alongwith *pendent lite* interest. The suit was decreed in favour of the plaintiff-respondent No.1 vide judgment and decree dated 11.03.2024. The plaintiff-decree holder has accordingly filed an execution petition. Along with the same, decree holder has filed application to attach the said subject property of the petitioner. Learned Civil Judge, vide order dated 09.07.2024 (Annexure P-1) had issued warrant of attachment for 18.11.2024 on filing of list of property etc. after taking into account the fact that there was no stay on the operation of judgment and decree dated 11.03.2024.
7. Vide impugned order the property of the petitioner has been attached. It has been contended by the petitioner that the subject property is already mortgaged with the HDFC Bank, in proceedings which are pending before the Debt Recovery Tribunal, Chandigarh. However, it is recorded in the impugned order that as per report of the concerned Halqa

Patwari, property of the petitioner already stands attached vide Rapat No.134 dated 14.11.2024. When questioned regarding the aforesaid report of the Halqa Patwari, learned counsel for the petitioner has no reply.

8. The impugned order further reveals that auction for realization of the decretal amount was fixed for 29.07.2025. Learned counsel for the petitioner is unable to inform this Court in regard to the auction proceedings that would already have transpired on 29.7.2025. As such, no ground is made out to interfere in the impugned order.

9. Dismissed.

10. Pending application(s), if any, shall stands disposed of.

30th July, 2025

reema

Whether speaking/reasoned
Whether reportable

Yes
No

(NIDHI GUPTA)
JUDGE