

EP No. 06/2019

**: ORDER ON I.A. NO. II :**

This is order arise out of the I.A.No.II filed by the Decree holders U/r 72 of Order XXI R/w 151 of CPC seeking permission for bid in public of sale of attached property of Judgment Debtor.

2. The Sum and substance made out by the Dhirs is that they are wife and children of the Jdr, they filed the OS 45/2010 for maintenance, suit was decreed . The Jdr has to pay Rs. 6,60,277/- but not paid the same, hence filed this execution petition against the Jdr for recovery of maintenance amount, the Jdr has landed property in sy.No. 73 measuring 7 acres 38 guntas and in sy.no.141 measuring 07 acres 10 guntas . After the attachment of the Jdr landed propertyby this court , this court ordered to sale through public auction on the spot, but the Jdr with political influence and gondaism not permitting any persons to participate in the auction. Hence Dhirs claiming the permission to participate in auction of sale.hence prayed for allow the application.

3. On the other side the Jdr is not appeared before the court. Hence objection is taken as nil.
4. Heard the counsel for Dhrrs.
5. The following point arises for the considerations:

**:: POINTS ::**

- 1) Whether the Dhrrs are made out grounds for allow the I.A. No. II?**
- 2) What order?**

6. My answer to the above points are as follows:

Point No.1: In the Affirmative.

Point No.2: As per the final order for the following:

**REASONS**

7. **Point No.1:** The main contention of Dhrrs is that after the attachment of the Jdr landed property by this court, this court ordered to sale through public auction on the spot, but the Jdr with political influence and gondaism not permitted any persons to participate in the sale auction, on going through the materials available on the court the bailiff report on spot sale dated 04.11.2025, no one participated in the bid proceedings, they conducted the spot sale in Sy.No73, non is ready to put thier signature on the spot, hence the public auction failed, therefore where this

petition filed in the year 2019, decree was passed on the in the year 2011, the Jdr is absent before this court and public is not participating in the sale auction at spot, under the facts and circumstances , in the interest of speedy disposal of execution of decree, it is just proper to grnat leave to the Dhrrs bid in the sale auction . hence this court answered in the affirmative.

8. **Point No.2:** In view of the discussion made above, this court proceed to pass the following:

**ORDER**

I.A. No.II filed by the Decree holders U/r 72 of Order XXI R/w 151 of CPC is allowed.

The leave is granted to Dhrrs to participation in bidding of sale auction. The execution sale be held on 05.12.2025 the spot as provided under rule 138 of the KCRP,1967 and execution sale by court be held on the 15.12.2025.

Reissue proclamation of sale, if necessary bhatta is paid. Call on 15.12.2025.

Civil Judge & JMFC  
Afzalpur.