

Sawinder Singh Vs Sarabjit singh

Present: Sh.Raman Sharma Adv. Counsel for DH
JD ex-parte.

Today, the present case was fixed for filing application under order 21 rule 66 CPC. However, an application being moved by the DH under Order 21 Rule 66 CPC for sale of attached property by way of proclamation of sale in auction on the ground that the property of the JD mentioned in the list of property has already been attached by the order of this court and the said property is liable to be put to sale in public auction and now, market value of the property is about Rs.10 lakhs per acre. Therefore, it is prayed that the attached property of the JD may kindly be ordered to be put to auction by way of proclamation of sale in public auction, in the interest of justice.

Further, ld. counsel for the DH moved another application under order 21 rule 72 CPC for giving permission to decree holder to give bid in the auction. Perusal of the file shows that the present petition was filed on 01.10.2025 for execution of the judgment and decree dated 24.07.2025 passed exparte in the suit for recovery against the JD who has also been proceeded against ex-parte in the present petition. As such, for the recovery of the decreetal amount, sale warrants were issued but the same have been received back unexecuted as no one came forward to give bid in the public auction ordered by Ld. Executing Court. Now, the DH has filed the above mentioned application.

Notably, a decree holder cannot make a bid in an auction for the execution of a decree but the exception is provided u/o 21 Rule 72 CPC. At this juncture, it would be relevant to refer to the provision of Order 21 Rule 72(1) CPC reads as “no holder of a decree in execution of which property is sold shall, without the express permission of the court, bid for or purchase the property”. Further, Sub-Rule (2) of the said provision provides that “where a decree holder purchases with such permission, the purchase-money and the amount due on the decree may, subject to the provisions of Section 73, be set off against one another and the court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly”.

Therefore, it is evident in view of the above discussed provisions that the DH can make a bid in public auction ordered in execution of a decree passed in his favour only with the express permission of the executing court. The rationale behind the said provision is that the decree holder cannot be denied his right to enjoy the fruits of decree passed in favour under any circumstances.

Reverting to the facts in hand, as already discussed above the judgment and decree was passed in favour of the decree holder/application on 24.07.2025 and since then, he is still struggling to get the fruits of the same. Under these peculiar circumstances, this court is of the considered opinion that the execution of the decree dated 24.07.2025 is not possible without delay unless the decree holder is granted permission to make a bid in sale.

Hence, in view of the preceding discussion, the present application is hereby **allowed** and the DH is granted permission to make a bid in auction to be held as per the following schedule: application in hand is disposed of and sale warrants be issued as under:-

Notice: 27.11.2025

Munadi: 04.12.2025

Sale: 19.12.2025

Report: 22.12.2025

File be put up on 04.12.2025 for report on munadi.

Date of Order: 18.11.2025
*Pawankumar Stenographer Gr:II**

(Pallvi Rana)
Civil Judge Junior
Division,
Ajnala/UID No . PB00648