

**Sh. Shiv Kumar Vs. Sh. Ashok Kumar**

**Execution Petition No. 16 of 2022**

05.05.2025 Present: Mr. Prem P. Chauhan, Advocate, for the petitioner.

Mr. R.L. Chaudhary, Advocate, for the respondent.

Mr. Sanjay Dalmia, Advocate, for the applicant in OMP No.5 of 2025.

OMP No.5 of 2025

By way of this execution petition, the applicant/ petitioner is seeking the execution of the award dated 11.04.2024, passed by learned Arbitrator in favour of the petitioner.

On 16.04.2024, this Court had ordered the attachment of the properties of the award debtor, details whereof are given in Para-10 of the execution petition. Thereafter, present application has been filed, in terms whereof, a prayer has been made that in view of the fact that the property in issue is already mortgaged with Punjab National Bank, branch at Tahliwal, District Una, H.P. and the Bank had already issued proclamation of sale notice of the mortgaged property to recover the Bank dues, therefore, before putting the attached property to auction/sale, the interest of the Bank be also protected.

Mr. Sanjay Dalmia, learned counsel appearing for the Bank submits that as the Bank

has already taken the needful steps for the auction of the property in issue, therefore, it would be in the interest of justice in case the Bank is allowed to auction the property and whatever amount the auction fetches, the same shall be deposited with the Registry of this Court and the Bank will obey further directions qua release thereof.

In the light of the fact that the Bank has already taken steps for the auction of the property in issue, the execution petition is ordered to be listed on **23.06.2025**. In the interregnum, the Bank may go ahead with the auction of the property and in case the auction is successful, then whatever amount is fetched in the auction, the same be deposited with the Registry of this Court.

**(Ajay Mohan Goel)**  
**Judge**

May 05, 2025  
(Rishi)