

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).207-208 of 2020
(Arising out of SLP C) Nos.5218-5219 OF 2014)

RACHHPAL KAUR & ORS.

Appellant (s)

VERSUS

STATE BANK OF INDIA & ORS.

Respondent(s)

O R D E R

Leave granted.

The first respondent-Bank filed a suit against Gurcharan Singh (Since deceased), Surjit Kaur and Lakhvir Singh for recovery of money on the basis of a mortgage. A preliminary decree was passed in the suit on 07.11.1996. In the Execution Petition filed by the Bank, the mortgaged land of the judgment debtors was directed to be auctioned. The property was auctioned and respondent No.5 Harjit Singh being the highest bidder was the auctioned purchaser. He deposited the auction money of Rs.5,90,000/- on 17.08.2005. Thereafter, Harjit Singh appeared before the Court and made a statement that he wished to withdraw the amount of Rs.5,90,000/- deposited by him. By an order dated 19.09.2008, the Civil Judge, Senior Division Zira, permitted Harjit Singh to withdraw the amount of Rs.5.90,000/-. The application filed by Lakhvir Singh

seeking permission to deposit the decretal amount was dismissed by the execution Court which was affirmed by the High Court.

We are informed by the learned counsel for the appellants who had subsequently purchased the property from the judgment debtors, that the decretal amount has been paid to the Bank. The auction purchaser has also withdrawn the amount that was deposited by him. In view of the above, learned counsel for the appellants submit that the High Court ought not to have dismissed the revision petition filed by Lakhvir Singh and directed the auction purchaser to deposit back the amount withdrawn by him.

The learned counsel for the Bank submits that there is no dispute regarding the satisfaction of the decree as the bank had received decretal amount. He expressed his apprehension that any order passed in favour of the appellant should not expose the bank to further litigation that might be initiated by the auction purchaser. The respondent No.5 who is the auction purchaser has not appeared in this Court in spite of service effected in the year 2015.

As the Bank has been paid the decretal amount can have no further grievance and the auction purchaser has not shown any interest to appear before this Court after being served, we deem it fit to hold that the auction purchaser shall not have any right to raise any

dispute against the bank.

The application filed by the Vendor of the appellant in the Execution Petition of 13.12.2005 stands allowed.

The appeals stand disposed of accordingly.
Pending application, if any stand disposed of.

.....J
(L. NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
10th January, 2020

ITEM NO.20

COURT NO.11

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).5218-5219/2014

(Arising out of impugned final judgment and order dated 11-09-2013 in CR No. 2117/2006 10-10-2013 in RA No. 149/2013 10-10-2013 in CR No. 2117/2006 passed by the High Court Of Punjab & Haryana At Chandigarh)

RACHHPAL KAUR & ORS.

Petitioner(s)

VERSUS

STATE BANK OF INDIA & ORS.

Respondent(s)

Date : 10-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Parveen Kumar Aggarwal, Adv.
Mr. Surinder Singh Pannu, Adv.
Mr. Abhishek Grover, Adv.
Mr. Pareekshit Bishnoi, Adv.
Mr. Sanjay Jain, AOR
Mr. Hage Nanya, Adv.

For Respondent(s) Mr. Ankur Mittal, AOR
Mr. Abhay Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand disposed of in terms of
the signed order. Pending application, if any stand
disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)