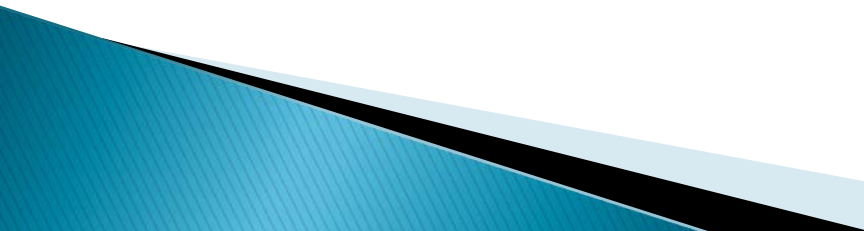


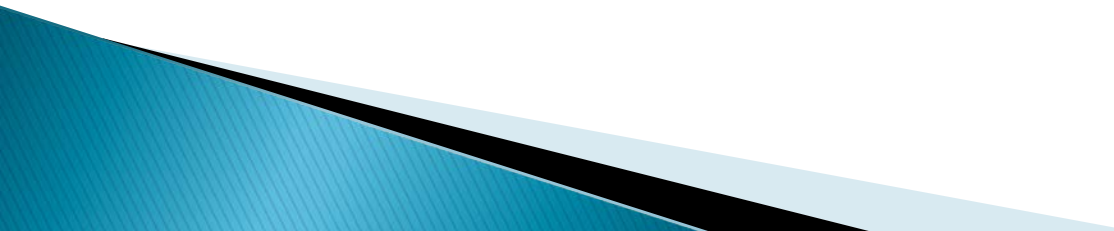
How to manage sale in Execution

Presented by Muhammad Younas, District &
Sessions Judge Mansehra

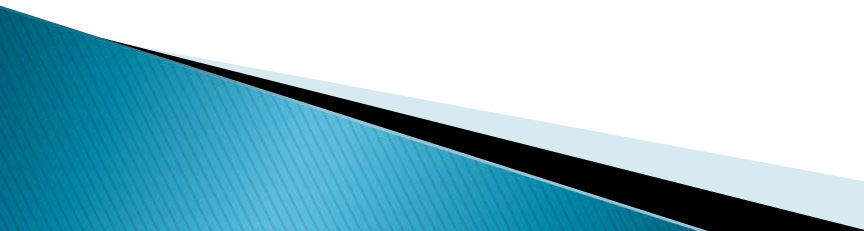
Definition of Sale


- ▶ Section 54 TP Act, 1882:–Transfer of ownership in exchange for a price paid or promised or part–paid & part– promised.
 - ▶ Section 2(d) NWFP Pre–emption Act 1987:– Permanent transfer of the ownership of an immovable property in exchange for a valuable consideration & includes transfer of an immovable property by way of hiba–bil–iwaz or hiba–bi–shart al–iwaz.
- 

Kinds of Sale

- ▶ Sale between persons without the intervention of court.
 - ▶ Sale under section 88 CrPC
 - ▶ Sale through Court in Execution of certain decrees.
- 


Sale in Execution of a Decree under the Civil Procedure Code

- ▶ Definition of Decree: Section 2(2) Civil Procedure Court:– Formal expression of an adjudication which so far as regards the court expressing it, conclusively determines the rights of the parties with regard to on or any of the matters in controversy in the suit and may be either preliminary or final.
 - ▶ (continued)
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- ▶ Order 21 Rule 10 CPC:- Application for execution.
 - ▶ Order 21 Rule 11(2) CPC:- Contents of written application.
 - ▶ Before sale through court attachment of that movable or immovable property is ordered.
 - ▶ Order 21 Rules 12 to 59 CPC relates to attachment of movable/immovable property.
- 

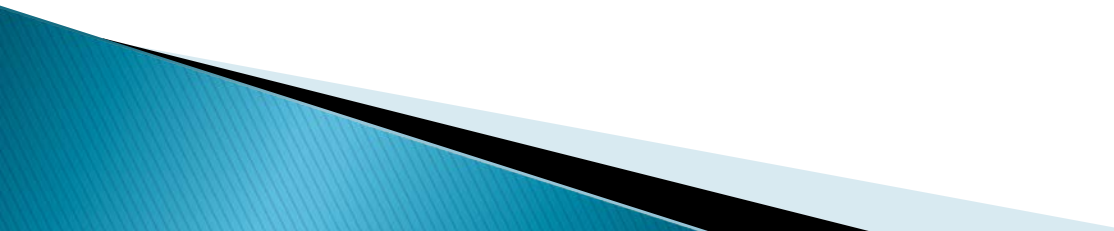
Sale After Attachment

- ▶ Order 21 Rule 64 to 94 CPC deal with sale in execution of decree.
- ▶ Order 21 Rule 65 CPC:- Sale to be conducted by officer of the court or any other person appointed by the court
- ▶ Order 21 Rule 66 CPC:- Proclamation of sale by public auction
- ▶ Order 21 Rule 67 CPC:- Mode of making proclamation.
- ▶ Order 21 Rule 68 CPC:- Time of Sale. Sale of immovable property at least 15 days & movable property 7 days after proclamation
(Continued)

- Order 21 Rule 69 CPC:– Adjournment or stoppage of sale.
 - Order 21 Rule 72 CPC:– Decree holder not to bid or buy property without court permission.
 - Order 21 Rule 73 CPC:– No officer of court or any other person appointed by the court for conducting sale to purchase property.
 - Order 21 Rule 74, 75 CPC:– Sale of agricultural produce
 - (Continue)
- 



Continued

- ▶ Order 21 Rule 78 CPC:– Irregularity not to vitiate sale.
 - ▶ Order 21 Rule 83 CPC:– Postponement of Sale to enable judgment debtor to raise amount of decree.
 - ▶ Order 21 Rule 85 CPC: Time for payment in full of purchase money on 15th Day of the sale.
 - ▶ Order 21 Rule 88 CPC:– Bid of co- sharer to have preference
 - ▶ Order 21 Rule 94 CPC:– Certificate of court to purchaser.
 - ▶ Note: Forms given in Appendix E of the CPC are with regard to attachment & sale of property in execution of decree.
- 

Presented by Mr. Muhammad Younas DSJ Mansehra

▶ Thank You