



CR-7484-2025 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CR-7484-2025 (O&M)
Decided on:-28.10.2025**

Shree Lalit Fabrics Pvt Ltd.

....Petitioner

VERSUS

Shree Khodiyar Textile Mills Pvt Ltd.

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Varun Garg, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present civil revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 06.08.2025 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Faridabad, in the execution proceedings arising out of a decree passed by the Hon'ble High Court of Bombay.

Brief Facts

2. Briefly stated, the facts giving rise to the present petition are that the respondent-plaintiff filed a suit for recovery of ₹75,92,721/- along with interest before the Hon'ble High Court of Bombay against the petitioner-defendant. The said suit was decreed ex parte vide judgment dated 21.04.2014. According to the petitioner, he was never served in the said proceedings and the ex parte decree was obtained by the respondent-plaintiff by playing fraud upon the Hon'ble Bombay

**CR-7484-2025 (O&M)****-2-**

High Court, having mentioned a wrong address of the petitioner–defendant in the cause title.

3. Subsequently, the respondent–decree holder initiated execution proceedings before the learned Civil Judge (Senior Division), Faridabad, for execution of the aforesaid decree. It was at that stage that the petitioner–judgment debtor came to know about the said decree. The petitioner thereafter moved an application under Order 11 Rule 4 of the Code of Civil Procedure, praying for a direction to the decree holder to produce certain documents on record, particularly those relating to the winding-up proceedings of the petitioner-company under Section 27 of the Companies Act, 2013. It was alleged that such documents were essential for effective adjudication of the controversy involved in the execution proceedings.

4. No reply was filed to the said application by the decree holder. However, the learned Civil Judge (Junior Division), Faridabad, dismissed the said application vide impugned order dated 06.08.2025, observing that the decree had been passed in the presence of both parties by the Hon’ble High Court of Bombay, and that the documents sought were within the knowledge and reach of both sides. The learned court further observed that if the judgment debtor claimed that the company had gone into winding up, it was incumbent upon him to produce the proof of such liquidation so that the executability of the decree could be examined. Accordingly, the application for production of documents was dismissed, and the petitioner was directed to file documents relating to the winding-up proceedings on the next date of hearing.

**CR-7484-2025 (O&M)****-3-**

5. Aggrieved by the said order, the present revision petition has been filed.

Submissions of learned counsel for the petitioner

6. Learned counsel for the petitioner—judgment debtor contended that the impugned order has been passed in a mechanical manner and without affording any opportunity of hearing to the decree holder, as no reply was sought before passing the order. It was argued that the observation of the learned Executing Court that the decree was passed in the presence of both parties is factually incorrect, since the decree was admittedly ex parte. It was further urged that the learned court erred in holding that the documents sought were within the knowledge and possession of both parties, whereas the very purpose of filing the application was to obtain copies of the records from the decree holder, who had concealed material facts from the Bombay High Court. Hence, the order was liable to be set aside.

7. Notice in the matter is not required to be issued at this stage in view of the nature of the relief sought.

Findings of this Court

8. After hearing the learned counsel for the petitioner and perusing the record, this Court finds no illegality or material irregularity in the order passed by the learned Executing Court warranting interference under Article 227 of the Constitution.

9. It is a settled proposition of law that the Executing Court cannot go behind the decree. Its jurisdiction is confined to executing the decree as it stands and not to reopen or re-examine the correctness or validity of the decree itself.

**CR-7484-2025 (O&M)****-4-**

Even if it is alleged that the decree was obtained ex parte or by fraud, the proper remedy available to the aggrieved party is to approach the same court which passed the decree, seeking its setting aside by filing appropriate proceedings under the Code of Civil Procedure, and not to invoke the jurisdiction of the Executing Court for such purposes.

10. In the present case, the petitioner–judgment debtor sought directions to the decree holder to produce documents pertaining to the winding-up proceedings of the company. Such an application, in essence, amounts to enlarging the scope of the execution proceedings and indirectly inviting the Executing Court to adjudicate upon issues beyond the decree. The learned Executing Court has rightly held that such directions cannot be issued, and that if the petitioner claims to be under liquidation or winding-up, the burden lies upon him to produce the relevant documents to substantiate such claim.

11. The observation of the Executing Court that the decree was passed “in presence of both parties” appears to be an inadvertent expression, which, however, does not affect the core reasoning of the order. The dismissal of the application was founded on the sound legal principle that the Executing Court cannot compel the decree holder to produce documents unrelated to the execution of the decree itself. Therefore, even if the decree was ex parte, the petitioner’s remedy lies elsewhere and not before the Executing Court.

12. The revisional jurisdiction under Article 227 is supervisory in nature and can be exercised only where there is a manifest illegality, perversity, or failure of justice. No such infirmity is made out in the impugned order.

**CR-7484-2025 (O&M)****-5-****Conclusion**

13. In view of the above discussion, this Court finds no merit in the present revision petition. The learned Executing Court has acted within its jurisdiction and has rightly dismissed the petitioner's application under Order 11 Rule 4 CPC. The impugned order dated 06.08.2025 (Annexure P-1) calls for no interference.

Regarding the impugned order dated 22.09.2025 (Annexure P-2)

14. The petitioner-judgment debtor has also challenged the subsequent order dated 22.09.2025 (Annexure P-2), whereby the learned Civil Judge (Junior Division), Faridabad, dismissed the objections filed by the petitioner in the execution proceedings initiated by the respondent-decree holder.

Brief facts

15. The brief facts leading to the passing of the said order are that in the execution petition filed by the decree holder, the petitioner-judgment debtor raised objections primarily on the ground that the execution petition was not maintainable in the present form and was barred in view of supervening circumstances arising out of the company's revival scheme sanctioned by the competent court. It was contended that the judgment debtor company had earlier been under winding up but was subsequently revived under a revival scheme sanctioned by order dated 28.11.2002 passed in CA No. 944 of 2002 in CP No. 85 of 2001, subject to several conditions. As per the said order, the company was directed to clear the dues of secured creditors such as the State Bank of India in instalments and to pay all statutory liabilities, including workmen's dues, within a fixed time schedule.

**CR-7484-2025 (O&M)****-6-**

16. It was argued by the judgment debtor that in terms of the said revival scheme, the claims of the unsecured creditors could be considered only after the settlement of dues of secured creditors, and that direct execution by an unsecured creditor, such as the present decree holder, was impermissible unless permitted under the terms of the scheme or with leave of the court/tribunal supervising the revival. It was further contended that once a revival plan or resolution is approved under the Companies Act or under the Insolvency and Bankruptcy Code, all pre-existing claims stand to be dealt with within the framework of the scheme, and any creditor who fails to submit its claim to the liquidator or resolution professional within the prescribed period cannot maintain an independent execution thereafter. On this basis, it was submitted that the continuation of the present execution proceedings was contrary to the revival order and the statutory provisions of the Companies Act, 2013, and the IBC, 2016.

17. The decree holder, in reply, relied upon the decree dated 21.04.2014 passed by the Hon'ble High Court of Judicature at Bombay in its favour, whereby the suit of the plaintiff-decree holder was decreed for ₹2,65,06,759.71, including the principal sum of ₹75,92,721/- and interest at 12% per annum from the date of filing of the suit till the date of decision. It was submitted that the said decree had attained finality and was executable, and that the Executing Court was bound to enforce it as it stood.

18. The learned Civil Judge, after hearing both sides and perusing the record, referred to the earlier orders, including the order dated 28.11.2002 passed in the winding-up/revival proceedings, and the judgment dated 21.04.2014 passed by the Hon'ble High Court of Bombay. The Executing Court observed that the

**CR-7484-2025 (O&M)****-7-**

Hon'ble Bombay High Court, while passing the decree, was evidently conscious of the fact that the judgment debtor company was under revival and that certain proceedings were pending before the Official Liquidator, as the said order itself records that the plaintiff was granted liberty by the Punjab & Haryana High Court to proceed with its suit by impleading the Official Liquidator as a party. Despite such liberty and opportunity, the defendant-judgment debtor chose not to appear before the Hon'ble Bombay High Court, which thereafter decreed the suit.

19. The Executing Court thus concluded that the question of insolvency, winding-up, or revival of the company had already been considered or impliedly taken into account by the Hon'ble Bombay High Court while passing the decree. Consequently, the judgment debtor could not be permitted to reopen the same issue at the stage of execution. Once the decree had been passed by a competent court having jurisdiction, the Executing Court was duty-bound to execute the same and could not go behind the decree or question its validity on the basis of alleged revival proceedings. The objections filed by the judgment debtor were, therefore, dismissed, and the execution was directed to proceed.

Findings of this Court

20. Having heard learned counsel for the petitioner-judgment debtor and upon perusal of the record and the impugned order, this Court finds no error in the reasoning adopted by the learned Executing Court. The plea of the petitioner that the revival order dated 28.11.2002 bars execution of the decree cannot be accepted. The record clearly demonstrates that the Hon'ble High Court of Bombay was aware of the pendency of revival proceedings when it passed the decree dated 21.04.2014. The plaintiff therein had obtained leave from the competent forum to

**CR-7484-2025 (O&M)****-8-**

proceed with the suit against the company under revival. Therefore, the issue of the company's insolvency or revival was already considered and does not survive for re-agitation before the Executing Court.

21. It is settled law that the Executing Court cannot sit in appeal over the decree or entertain pleas which challenge its validity or enforceability. The revival order relied upon by the petitioner does not automatically extinguish the rights of decree holders whose claims have been adjudicated and decreed by a competent civil court, especially when such decree was passed after due leave from the company court. Moreover, the provisions of the Insolvency and Bankruptcy Code, 2016, have no retrospective effect so as to nullify decrees passed prior to its enforcement unless specifically covered by a resolution plan approved under the Code, which is not the case here.

22. Thus, the Executing Court has rightly held that it possesses jurisdiction to proceed with the execution of the decree passed by the Hon'ble Bombay High Court. The objections raised by the judgment debtor are devoid of substance and were rightly rejected.

Conclusion

23. Accordingly, this Court finds no illegality, infirmity, or jurisdictional error in the impugned order dated 22.09.2025 (Annexure P-2) passed by the learned Civil Judge (Junior Division), Faridabad. The order is well reasoned and based on settled principles of law. The revision petition, to the extent it challenges the said order, is dismissed.

**Regarding the impugned order dated 08.10.2025 (Annexure P-3)**

24. After the dismissal of the objections filed by the judgment debtor vide order dated 22.09.2025 (Annexure P-2), the execution proceedings continued before the learned Civil Judge (Junior Division), Faridabad. The decree holder thereafter filed a list of properties belonging to the judgment debtor company for the purpose of satisfying the decree passed by the Hon'ble High Court of Bombay. Upon consideration of the said list, the learned Executing Court, vide impugned order dated 08.10.2025 (Annexure P-3), directed issuance of warrants of attachment against the property of the judgment debtor and further directed that police assistance be provided to the decree holder for effective execution of the decree.

25. Learned counsel for the petitioner-judgment debtor has challenged the said order primarily on the ground that the same is consequential to the earlier illegal orders and that once the objections of the judgment debtor regarding maintainability and revival had been raised, the learned court ought not to have proceeded to issue warrants of attachment. It is contended that the impugned order is mechanical, without proper adjudication of the company's financial position and revival status, and therefore liable to be set aside.

26. Having considered the submissions, this Court finds no merit in the contentions advanced. As discussed in detail in the foregoing paragraphs, the objections of the judgment debtor regarding the revival scheme and maintainability of execution have already been adjudicated and rightly dismissed by the learned Executing Court vide reasoned order dated 22.09.2025. Once those objections

**CR-7484-2025 (O&M)****-10-**

stood rejected and no stay was granted by any competent forum, the Executing Court was legally bound to take further steps toward realization of the decree.

27. The issuance of warrants of attachment against the property of the judgment debtor is a necessary and consequential step in the process of execution and cannot be termed illegal or irregular merely because the judgment debtor continues to dispute the decree. The Executing Court has acted strictly in accordance with law and within the parameters of Order XXI of the Code of Civil Procedure, which empowers it to attach property for satisfying an executable decree. The direction to the Station House Officer to render police assistance is equally justified to ensure effective implementation of the court's orders and to prevent obstruction in the execution process.

28. There is thus no jurisdictional error, perversity, or procedural irregularity in the order dated 08.10.2025 (Annexure P-3) passed by the learned Civil Judge (Junior Division), Faridabad. The said order is purely consequential and flows logically from the earlier orders, which have already been upheld by this Court.

Conclusion

29. Accordingly, the challenge to the impugned order dated 08.10.2025 also fails, and the same is upheld.

Final Conclusion

30. For the reasons recorded above, all the three impugned orders dated 06.08.2025 (Annexure P-1), 22.09.2025 (Annexure P-2), and 08.10.2025 (Annexure P-3) have been found to be well-reasoned, legally sustainable, and passed by the learned Executing Court in due exercise of its jurisdiction. The



CR-7484-2025 (O&M)

-11-

Executing Court has rightly proceeded in accordance with law to ensure the enforcement of the decree passed by the Hon’ble High Court of Bombay.

31. The present civil revision petition, being devoid of merit, is hereby dismissed.

32. Pending application(s), if any, also stand disposed of.

October 28, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No