

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Civil Revision No.57 of 2026

Decided on: 08th September, 2026

M/s K.R. Engineers & Anr.

...Petitioners

Versus

Canara Bank

...Respondent

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the petitioners: Mr. Lokesh Thakur, Advocate vice
Mr. G.R. Palsra, Advocate.

For the respondent: Mr. Sanjay Dalmia, Advocate.

Jiya Lal Bhardwaj, Judge *(Oral)*

The petitioners/judgment debtors feeling aggrieved by the order dated 08.04.2026 passed by the learned Senior Civil Judge, Mandi, District Mandi, H.P., whereby warrant of attachment of their property has been issued, have approached this Court for quashing the said order.

2. The respondent/decreed holder has filed an

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

execution petition and in the said execution petition, the petitioners/judgment debtors had appeared before the learned executing Court on 14.01.2026, when it had granted them time to file reply to the execution petition and the matter was listed for consideration on 08.04.2026. However, on 08.04.2026, it was noticed that the JDs are already ex-parte and the respondent/decreed holder was directed to file list of property within 15 days and thereafter warrant of attachment be issued, strictly as per Section 60 of the Code of Civil Procedure (in short "CPC"), returnable for 17.06.2026.

3. Learned counsel for the petitioners/judgment debtors has challenged the aforesaid order, whereby the warrant of attachment of their property has been issued without hearing them and without granting an opportunity to file objections. It has been averred that the aforesaid order has been passed behind the back of the petitioners/judgment debtors and since they have been condemned unheard, the impugned order may be quashed and set aside.

4. On the other hand, the learned counsel

representing the respondent/decreed holder has supported the order. He argued that the petitioners/judgment debtors were granted time to file reply to the execution petition, but they did not file the same and thus, the learned executing Court has rightly passed the order, whereby warrant of attachment was ordered to be issued as per Section 60 of CPC, returnable for 17.06.2026.

5. I have heard the learned counsel for the parties and also perused the record carefully.

6. Before advertizing to the submissions made by the learned counsel for the petitioners/judgment debtors, it will be relevant to quote the order dated 14.01.2026, passed by the learned executing Court, which reads as under:

" 14.01.2026:

*_Present: Ms. Samriti, Advocate vice to Sh. Rakesh Nanda, Advocate for the DH.
None for JD No. 1.
JD No. 2 present in person.*

Summons issued to JD No. 1 received back served through her husband. Case called time and again, however, none has put appearance on behalf of JD No.1 despite due service. It is already 11:25 am. Be called after some time.

sd/-

*Senior Civil Judge, Mandi,
District Mandi, H.P.*

Canara Bank vs. M/s K.R. Engineers etc.

Reg. No.62/2025

Taken up again at 3:30 pm

14.01.2026:

*Present: Ms. Samriti, Advocate vice to Sh. Rakesh
Nanda, Advocate for the DH.
Sh. Virender Kumar, Advocate for JD No.1
(POA filed).
JD No.2 present in person.*

*Time prayed for filing reply and
consideration. Request considered and allowed. Put up for
filing reply and consideration on behalf of JDs on
08.04.2026.*

sd/-

*Senior Civil Judge, Mandi,
District Mandi, H.P."*

7. A perusal of the aforesaid order reveals that the time prayed by the petitioners/judgment debtors for filing reply was allowed and the matter was listed for filing reply and consideration on 08.04.2026. However, on 08.04.2026, it has been noticed by the learned executing Court that the JDs are already ex-parte. The order dated 08.04.2026 is reproduced as under:

" 08.04.2026:

*Present: Sh. Anil Saklani, Advocate vice to Sh. Rakesh
Nanda, Advocate for the DH.
JDs already exparte.*

List of property be filed within 15 days, thereafter, warrant of attachment be issued strictly, as per Section 60 of CPC, returnable for 17.06.2026.

sd/-

*Senior Civil Judge, Mandi,
District Mandi, H.P."*

8. Once the petitioners/judgment debtors were present on 14.01.2026, the learned executing Court has wrongly recorded in the order dated 08.04.2026, that the JDs are already ex-parte.

9. The executing Court has erred while passing the order dated 08.04.2026, when it had ordered for issuance of warrant of attachment of the property of the petitioners/judgment debtors. The petitioners/judgment debtors, no doubt, are facing the decree passed against them, but at the same time, they are entitled to be heard before proceeding further in the execution of the petition instituted by the respondent/decreed holder.

10. Learned counsel for the petitioners/judgment debtors has vehemently argued that they have been

condemned unheard. However, once the petitioners/judgment debtors were granted time to file reply to the execution petition and the matter was listed on 08.04.2026, they should have filed the reply. However, without going into the merit of the case, it would be in the interest of justice that the order dated 08.04.2026, passed by the executing Court is set aside and the petitioners/judgment debtors are granted an opportunity to file reply to the execution petition.

11. Consequently, the present petition is allowed and the order dated 08.04.2026, passed by the learned Senior Civil Judge, Mandi, District Mandi, H.P., in Reg. No.62/2025, titled, ***Canara Bank versus M/s K.R. Engineers and another***, is quashed and set aside. The parties are directed to appear before the learned Senior Civil Judge, Mandi, District Mandi, H.P., on 29.09.2026, on which date, the petitioners/judgment debtors shall file their reply/objections to the execution petition. The learned executing Court shall thereafter proceed further in the matter in accordance with law.

12. The petition is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

08th September, 2026

(ankit)

**(Jiya Lal Bhardwaj)
Judge**