



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

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CR-5187-2026 (O&M)

Date of decision: 17.07.2026

Paramjit Singh (since deceased) through his LR

.... Petitioner

Versus

Punjab Wakf Board and others

.... Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vijay Sharma, Advocate, for the petitioner.

HARSH BUNGER J. (ORAL)

1. Prayer in the present civil revision petition is for setting aside the order dated 08.04.2026 (Annexure P-1) passed by the Punjab Wakf Tribunal, Patiala (in short "Tribunal"), whereby the objections filed by the petitioner, in an execution petition filed by the Punjab Wakf Board (in short "Board"), seeking execution of the judgment and decree dated 12.03.2014, have been dismissed.

2. Briefly, the Board filed a suit No.7 dated 15.02.2008 against Shri Paramjit Singh (since deceased) and others, seeking declaration to the effect that the Board was the owner of the suit property. A further, prayer for recovery of possession of the suit property alongwith the payment of mesne profits was also made.



2.1 In the suit, Sh. Paramjit was impleaded as defendant No.1. It was pleaded case of the Board that the suit land belongs to the Board and that defendants No.1 to 5 in the suit were in illegal and unauthorized possession of the same. Sh. Paramjit Singh (since deceased), predecessor of the present petitioner; opposed the claim of the Board by filing his written statement.

3. The learned Tribunal, vide its judgment and decree dated 12.03.2014, decreed the suit by holding that the Board is the owner of the suit property and was entitled to recover possession of the same from defendants No.1 to 5 in the suit. It was further held that defendants No.1 to 5 in the suit (including Sh. Paramjit Singh) were in illegal, unauthorized and unwarranted possession. The Board was further held entitled to recover Rs.42,000/- as mesne profits from defendants No.1 to 5 alongwith interest @ 6% per annum from the date of filing of the suit till the date of realization.

4. Sh. Paramjit Singh (since deceased) along with others challenged the aforesaid judgment and decree dated 12.03.2014 (Annexure P-2) passed by the learned Tribunal, by filing a revision petition (CR-6283-2014) before this Court, which was dismissed vide order dated 09.10.2014 (Annexure P-3). It appears that the aforesaid order dated 09.10.2014 has not been impugned any further and therefore, judgment and decree dated 12.03.2014 attained finality.

5. Subsequently, the Board filed an execution petition for implementing the judgment and decree passed by learned Tribunal, which



has been affirmed by this Court. In the said execution proceedings, Sh. Gurpreet Singh (being L.R. of Sh. Paramjit Singh) filed his objections. On the other hand, Board filed an application for rejection of the objection petition filed by Sh. Gurpreet Singh.

6. Learned Tribunal considered the objection petition filed by the petitioner and dismissed the same vide impugned order dated 08.04.2026 (Annexure P-1).

7. Feeling aggrieved against the same, the present revision petition has been filed before this Court.

8. I have heard learned counsel for the petitioner and perused the paper-book with his able assistance.

9. Before this Court, it is not disputed by the learned counsel for the petitioner, that the judgment and decree dated 12.03.2014 (Annexure P-2) passed by learned Tribunal had been affirmed by this Court vide order dated 09.10.2014 (Annexure P-3) passed in CR No.6283-2014. It is also not disputed that the order passed by this Court has not been challenged any further and therefore, judgment and decree dated 12.03.2014 (Annexure P-2) passed by learned Tribunal has attained finality.

10. The primary contention raised by the petitioner in the objection petition was that the judgment and decree dated 12.03.2014 (Annexure P-2) passed by the learned Tribunal has been obtained by fraud.

10.1 Learned Tribunal considered the aforesaid plea raised on behalf of the petitioner and rejected the same, by observing as under:-



“8. Thus the primary issues for adjudication are (i) whether the objector can be treated as a third party; (ii) whether the executing court can go behind the decree on the allegations of fraud and the decree having not been passed on a correct appreciation of the facts.

Under section 47 of the Code of Civil procedure all questions arising between the parties to the suit, or their representatives, relating to execution, discharge or satisfaction of the decree shall be determined by the executing court and not by a separate suit. It is settled law that the executing court cannot go behind the decree and the decree is to be executed as has been ordered. Questions relating to title which were or could have been adjudicated upon in the original proceedings cannot be reopened in execution, however, issues between parties or their representatives relating to the execution are within the jurisdiction of the executing court and this precisely is what is comprised in section 47. The objector Gurpreet Singh admittedly claims through his father Paramjit Singh, the deceased judgment debtor. He does not have a separate claim, but his claim is based on a Will, allegedly executed by his father, Paramjit Singh, the deceased judgment debtor no.1. The objector Gurpreet Singh, thus himself claims to be a legal representative/successor in interest and the son of the judgment debtor. He does not set up an independent title adverse to the judgment debtor but to the contrary, derives his claim through him. Accordingly, the objector cannot be treated as a third party but falls within the expression ‘representative of the judgment debtor’.

9. The decree dated 12.03.2014 of the court of Sh.Sunil Kumar Arora, Tribunal Wakf Act, Ludhiana in civil suit no.7 of 2008 has already been upheld up to the Hon’ble High Court.



Therefore, the correctness and legality of the decree stands conclusively determined. It definitely cannot be appreciated and assessed in execution proceedings. The executing court is bound by the decree and cannot re-examine its merits. The plea that the decree was obtained by fraud cannot be entertained in execution proceedings in the absence of any prior adjudication, setting aside the decree. The executing court cannot convert execution proceedings into a separate suit or a trial on fraud. The alleged Will dated 15.01.2020 claimed to have been executed by the judgment debtor no.1 Paramjit Singh does not confer any right superior to that of the judgment debtor and even if proved, the objector merely steps into the shoes of deceased judgment debtor Paramjit Singh and he remains bound by the decree. Thus, the objector, who is the son of the judgment debtor no.1 Paramjit Singh definitely is not a third party but a representative and legal heir of the deceased judgment debtor Paramjit Singh. Although he can represent the interest of his father, he cannot set up a separate claim. As stated above, the executing court cannot go behind a decree particularly when it has attained finality up to the Hon'ble High Court. The objection petition filed by Gurpreet Singh is accordingly dismissed."

11. I have gone through the findings returned by learned Tribunal and I see no reason to differ with the same. Concededly, Shri Paramjit Singh (original defendant No.1 in the suit) is none other but the father of the present objector-Gurpreet Singh, who had put up his claim on the basis of an alleged Will in his favour. Learned Tribunal has rightly held that Gurpreet Singh does not have a separate claim and he is only claiming through his father Shri Paramjit Singh, therefore, he cannot be treated as a 'third party'.



Further, learned Tribunal has rightly concluded that the Executing Court cannot go behind the decree and the plea of the objector that the decree was obtained by fraud, cannot be entertained in an execution proceedings. In my considered view, once the judgment and decree dated 12.03.2014 (Annexure P-2), holding the Board to be the owner of the suit property, and entitled to recover possession and mesne profits; stood affirmed by this Court vide order dated 09.10.2014 (Annexure P-3) passed in CR No.6283-2014; the plea of fraud now sought to be raised by the objector, merits no consideration. The said plea appears to have been taken with an oblique motive to keep the proceedings pending.

12. In view of the above discussion, it is held that the learned Tribunal has rightly dismissed the objection petition filed by Gurpeet Singh vide the impugned order dated 08.04.2026 (Annexure P-1); and the same does not call for any interference by this Court. Resultantly, the instant petition fails and the same is accordingly, dismissed.

13. All the pending application(s), if any, shall also stand closed.

17.07.2026

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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No