



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

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CR-5057-2026

Date of Decision: 27.08.2026

Manjit Singh

....Petitioner

Versus

Pawan Lal

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Tarunveer Vashist, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside order dated 23.10.2025 (Annexure P-5), whereby police assistance has been ordered to be provided to Tehsildar, Balachaur, at the time of executing the warrant of possession; and order dated 26.11.2025 (Annexure P-6), whereby execution petition was ordered to be dismissed as withdrawn being partly satisfied without considering the objection filed by the petitioner/judgment debtor.

2. Learned counsel for the petitioner submits that respondent/plaintiff/decreed holder filed a suit for specific performance of agreement to sell dated 23.11.2006 and for doing all necessary acts and for execution and registration of the sale deed in favour of the plaintiff and for putting him in possession thereof as co-owner, with consequential relief of permanent injunction. It is further submitted that the aforesaid suit was dismissed by trial Court vide judgment and decree dated 16.11.2012 (Annexure P-1). It is not



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disputed that the defendant was *ex parte* in the said suit. On an appeal having been preferred by the plaintiff against the aforesaid *ex parte* decree passed by trial Court, learned first Appellate Court vide judgment and decree dated 13.08.2014 (Annexure P-2) accepted the appeal and decreed the suit of the plaintiff, requiring the defendant to execute the sale deed in terms of agreement to sell (Ex.P-1), in favour of the plaintiff within three months therefrom, against remaining sale consideration of Rs.1 lakh being tendered by the plaintiff. Thereafter, the plaintiff/decreed-holder filed for execution of the decree passed in his favour by the learned first Appellate Court.

3. The grievance raised by learned counsel for the petitioner is that, in the execution proceedings, he had put in appearance and filed his objections. While the said objections were still pending, without deciding the same, on a prayer made on behalf of the decree holder, the execution application was allowed to be withdrawn being partly satisfied.

4. I have heard learned counsel for the petitioner and with his able assistance perused the record.

5. Admittedly, vide impugned order dated 23.10.2025 (Annexure P-5), it has only been observed that the warrant of possession could not be executed without police assistance and, on account of the report of Ahlmad seeking police help, the request was allowed and a direction was issued to the concerned police station to provide police assistance at the time of executing the warrant of possession. Learned counsel for the petitioner is not in a position to show as to how the aforesaid order is perverse or suffers from any jurisdictional error.

6. It is, however, argued that during the pendency of the objections



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filed in the execution proceeding, learned Executing Court ought not to have passed the order dated 26.11.2025 (Annexure P-6), whereby the execution petition was allowed to be withdrawn being partly satisfied.

7. I have given profound consideration to the argument raised by learned counsel for the petitioner and I am not able to agree with the same. There is no provision under Order 21 of the Code of Civil Procedure, 1908 (for short, 'CPC'), which mandates that in case an objection is filed in execution proceedings, the execution application cannot be withdrawn or disposed of as being partly satisfied. It would, however, be a matter of equity and fair play that, in case liberty is granted to file the execution application afresh, it would be incumbent upon the Executing Court to again issue notice to the judgment-debtor/objector, to enable him to raise his objection, if any still survives, in accordance with law.

8. As a sequel to the aforesaid discussion, the present revision petition is disposed of with the aforesaid observations.

August 27, 2026*Varinder***(VIKAS SURJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No