

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

CR-915-2015(O&M)

Date of decision:-24.2.2023

Bhupinder Kumar

...Petitioner

Versus

Mrs.Deema Sidhu

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Ms.Saruti Sandal, Advocate for  
Mr.R.S. Manhas, Advocate  
for the petitioner.

None for the respondent.

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**H.S. MADAAN, J.**

1. Under challenge in this revision petition is order dated 16.12.2014 passed by Additional Civil Judge (Sr.Divn.), Rajpura vide which objections filed by the JD under Order 21 Rule 26 CPC along with a prayer for staying the execution petition had been dismissed.

2. Briefly stated, facts of the case are that during the course of execution proceedings in case titled 'Deema Sidhu Versus Bhupinder Kumar', respondent/JD has filed an application for stay along with objections contending that he was not aware of the petition filed by decree-holder under Section 25 of the Guardian & Wards Act, 1890 read with Section 6 of the Hindu Minority & Guardianship Act, 1956 for

getting the custody of minor daughter, namely, Rashmi alias Rishu since the respondent/JD was never served in that case and decree-holder had obtained ex-parte decree against him; though he had filed an application under Order 9 Rule 13 CPC for setting aside the ex-parte decree; after getting decree, the decree holder forcibly tried to get the custody of the minor daughter, who has been under custody of JD since her birth and JD is bringing her up with all love and affection. The respondent/JD prayed for dismissal of the execution petition.

3. The decree-holder opposed the objections, though no formal reply was filed to it.

4. After hearing arguments, the Court of Additional Civil Judge (Sr.Divn.), Rajpura had dismissed the objections as well as application for stay. The operative part of the order runs as under:

5. *From the discussion made above, this Court is of the opinion that there is no impediment in executing the decree dated 14.1.2014. The contention of Id. Counsel for the Judgment Debtor that he was not aware of the petition filed by DH u/s 25 of the Guardian and Wards Act, 1890 read with Section 6 of the Hindu Minority & Guardian Act, 1956 for getting the custody of minor daughter Rashmi alias Rishu, is not forceful. Although the JD has claimed that he has filed application under Order 9 Rule 13 CPC before the Court, but it is admitted by Id. Counsel for JD that same is still pending. Perusal of the address of JD mentioned in the objections as well as in stay application reveals that it is the same address which had mentioned by decree holder while filing petition*

*under Hindu Minority & Guardianship Act, 1956 and it is unbelievable that JD/respondent has not served ever. Moreover, it is well settled law that executing Court cannot go beyond the decree and therefore objections raised by the Judgment Debtor, are not tenable. Therefore, the objection petition as well as stay application filed by the Judgment Debtor is hereby dismissed accordingly.*

5. Such order left the respondent/JD aggrieved and he has approached this Court by way of filing the present revision petition, notice of which was issued issued to the respondent. However, there is no representation on behalf of the respondent.

6. I have heard learned counsel for the petitioner besides going through the record and I find that there is absolutely no merit in the revision petition.

7. The impugned order passed by the Executing Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

8. Finding no merit in the revision petition, the same stands dismissed.

The interim order dated 13.2.2015 passed by this Court staying operation of ex-parte decree thus comes to an end.

Since the main revision petition has been dismissed, the

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miscellaneous application(s), if any, stand disposed of accordingly.

24.2.2023

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**(H.S.MADAAN)**

**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**