



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-782-2024

Date of Decision.:17.07.2024

Karnail Singh (since deceased) thr LRs
Vs.

Petitioners

Gurnam Kaur

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. S.K. Chawla, Advocate
for the petitioners.
(through Video Conferencing).

DEEPAK GUPTA, J. (ORAL)

Petitioners are the judgment-debtors before the concerned Executing Court. They have assailed the order dated 05.12.2023 (Annexure P-6), whereby objections filed by them have been dismissed during the execution petition in respect of judgment and decree dated 13.04.2015.

Perusal of the impugned order would reveal that judgment-debtor/objector tried to challenge the validity/legality of the *ex parte* judgment and decree in question, which was under implementation. It has been observed by the trial Court concerned that neither application was moved for setting aside the *ex parte* decree by moving an application under Order 9 Rule 13 CPC nor any appeal was filed.

It is conceded by learned counsel for the petitioner that *ex parte* decree dated 13.04.2015 has attained finality as neither application under Order 9 Rule 13 CPC was moved nor any appeal was filed against it. However, it is submitted by learned counsel that appeal is pending *qua* the final decree.



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Once the judgment and decree dated 13.04.2015 has attained finality, the Executing Court could not go behind the decree so as to consider its legality or validity.

There is no merits in this revision petition.

Dismissed.

(DEEPAK GUPTA)
JUDGE

July 17, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No