



CR No.6827 of 2018

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

264

Civil Revision No.6827 of 2018
Date of decision: November 12th, 2025

Dhupu

.....Petitioner

Versus

Hanif

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Uday Vij, Advocate
for the petitioner.

Mr. Amit Jain, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition under Article 227 of the Constitution of India for setting aside the order dated 14.09.2018 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Sohna (Executing Court).

2. Learned counsel for the petitioner has submitted that the respondent had filed a suit for possession by way of specific performance of the contract dated 20.10.2005 and the said suit was decreed on 07.11.2016 and the alternate relief of return of earnest money of ₹40,000/- along with interest at the rate of 10% per annum from the date of agreement till the filing of the suit and 12% interest from the date of institution of the suit till realization was granted in favour of the respondent. It is submitted that although no appeal was filed against the said judgment and decree but in the

execution proceedings, the petitioner had raised an objection that since there



was no alternate prayer for refund of money, thus, the trial Court could not have granted the said alternate relief. It is submitted that the said objection was illegally dismissed vide order dated 14.09.2018 and the same be set aside and the execution application filed by the respondent be dismissed.

3. Learned counsel for the respondent, on the other hand, has submitted that the duty of the Executing Court is to execute the decree and the Executing Court cannot go beyond the decree and since the present petitioner has not filed any appeal against the judgment and decree dated 07.11.2016 of the trial Court, thus, the said judgment and decree has attained finality and it is not open to the petitioner to raise pleas which have already been decided against the present petitioner by the trial Court and which the petitioner could have raised in the appeal. It is submitted that the impugned order dated 14.09.2018 has been rightly passed and deserves to be upheld.

4. This Court has heard learned counsel for the petitioner and also the learned counsel for the respondent and has perused the paper book and finds that the present revision petition is meritless and deserves to be dismissed and the impugned order dated 14.09.2018 is in accordance with law and deserves to be upheld.

5. It is not in dispute that the respondent had filed a suit for specific performance on 08.02.2006 against the present petitioner. In the said suit, vide judgment and decree dated 07.11.2016, the following relief was granted to the respondent:

“Relief

11. As a cumulative effect and aggregate result of my observations and findings in the preceding paragraphs,



the suit of the plaintiff is hereby decreed with cost by directing the defendant to return the earnest amount of the plaintiff of Rs. 40,000/- @ 10% per annum from the date of agreement till the filing of the suit and @ 12% from the institution of the suit till the realizing of the decree. Decree sheet be prepared accordingly.

File be consigned to the record room after due compliance.”

6. It is not in dispute that no appeal has been filed against the said judgment and decree dated 07.11.2016. Since the petitioner did not comply with the said judgment and decree, thus, the respondent was forced to file execution application. In the said execution application, frivolous objections were filed by the petitioner wanting the Executing Court to go behind the decree, which were dismissed by the Executing Court vide order dated 14.09.2018 by imposing costs of ₹10,000/- to be paid to the decree holder/present respondent. A perusal of the impugned order dated 14.09.2018 would show that the objection raised by the petitioner to the effect that the refund of amount of ₹40,000/- along with interest could not have been awarded and thus, the decree was unsustainable, was rejected by the Executing Court by observing that the Executing Court cannot go behind the decree and the objections filed by the petitioner were not sustainable. The proposition of law as taken note of by the Executing Court could not be disputed before this Court. No law has been cited before this Court to show that the Executing Court can go beyond the decree. In fact, it is a matter of settled law that the Executing Court is bound to execute the decree. Once the



petitioner did not file any appeal against the said judgment and decree and the said decree attained finality, it was incumbent upon the Executing Court to execute the decree and the objections filed by the petitioner challenging the judgment of the trial Court on merits were frivolous and meritless and have been rightly rejected.

7. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

November 12th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

Yes