



CWP-2336-2025 (O&M)

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

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CWP-2336-2025 (O&M)
Date of Decision: 14.07.2025

Union of India

...Petitioner(s)

Versus

Nirmal Singh and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sunil Kumar Sharma, Senior Panel Counsel for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed for setting aside the impugned orders dated 12.11.2021 and 31.07.2024, Annexures P-9 and P-12, passed by the Executing Court, Moga, in Execution Petition bearing no.34 of 2014, whereby the application filed by the petitioner/judgment debtor seeking permission for the parties to recalculate the due amount with the help of a Chartered Accountant.

2. The application was dismissed by the Executing Court by recording as under:

5. Perusal of record reveals that earlier objections of judgment debtors was dismissed by learned Predecessor of this court, vide order dated 2.12.2017. Hon`ble Apex Court in **Barkat Ali and another Versus Badri Narain (D) by legal representatives, 2008(2) Civil Court Cases 87** observed that when court orders attachment, then stage to file objections comes to an end and it was further observed that when the court orders to proceed with attachment, then objections to attachment cannot be filed except to take recourse to get ride of the order by way of an appeal.



Though orders passed under Order 21 CPC are not appealable, as provided by Order 43 CPC, but an order passed to proceed with attachment is an appealable order. Execution in question was filed in order to execute the modified orders dated 7.05.1985, 7.02.2013 and 20.01.2016. Judgment Debtors preferred Civil Revision before Hon`ble Punjab & Haryana High Court against the orders dated 12.12.2016, 2.12.2017 and 6.02.2018, which was dismissed by Hon`ble High Court vide order dated 12.05.2020 by observing that the order passed by learned Executing Court cannot be held to be suffering from any error of law and holding that learned Executing Court was correct that as it would not be possible for learned Executing Court to go beyond the decree passed, which has become final.

It could not be disputed by the learned counsel that with similar grievance the petitioner had earlier approached this Court by filing a revision petition, which was dismissed vide order dated 12.05.2020 on finding that the order passed by the Executing Court did not suffer from any error of law.

- 3. In view of admitted position, no exception can be taken to the impugned order dated 31.07.2024, passed by Additional District Judge, Moga.
- 4. The petition accordingly stands dismissed.
- 5. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

14.07.2025
Payal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No