

**Sr. No.221****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-3525-2025 (O&M)****Date of decision: 31st October 2025****THE NIRVANA COOPERATIVE HOUSE
BUILDING (FIRST) SOCIETY LTD.****.....Petitioner****versus****SATWANT KAUR****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Rohit Khullar, Advocate
for the petitioner.

Mr. Harshit Singla, AAG, Haryana.

Mr. Dhawal Bhandari, Advocate
for the respondent.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant Civil Revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 27.05.2025 (Annexure P-11), whereby, the Executing Court has dismissed the objections dated 01.02.2023 (Annexure P-9), filed by the petitioner-JD during the pendency of the execution petition filed by the decree holder.

2. The undisputed facts on record are that the respondent-plaintiff filed a civil suit for rendition of accounts and recovery against the petitioner-Society. During the pendency of the said civil suit, an application filed by the petitioner-Society under Order VII Rule XI was dismissed. The said order was upheld by this Court in a revision petition filed under Article 227 of the Constitution of India by passing an order dated 21.09.2012 (Annexure P-6). Thereafter, the petitioner-defendant was proceeded against *ex parte*



vide order dated 30.03.2015 and the decree for recovery was passed against the petitioner on 23.07.2015 (Annexure P-7).

2.1. An execution petition was filed by the respondent-decree holder, which being partly satisfied, was dismissed as withdrawn vide order dated 23.07.2018 and thereafter, second execution petition was filed in the year 2019. Pending the said execution petition, the petitioner-JD filed an objection petition (Annexure P-9), which has been dismissed by the Executing Court vide order dated 27.05.2025 (Annexure P-11), holding that the Executing Court has a limited scope for interference and it cannot go beyond the decree.

3. Learned counsel for the petitioner submits that during the pendency of the revision petition filed against the order passed under Order VII Rule XI CPC, the respondent-plaintiff had given up his claim regarding recovery, which is evident from the order dated 21.09.2012. In such circumstances, the suit for recovery could not have been decreed by the trial Court. It is also informed that the petitioner had now challenged the *ex parte* decree by way of filing an appeal, which is now pending before the First Appellate Court for 13.11.2025. Along with the appeal, a Miscellaneous Application bearing No.DJ-710-2025 for condonation of delay, has also been filed.

4. Learned counsel for the respondent contends that the statement of the counsel appearing on behalf of the respondent was recorded in the aforesaid order dated 21.09.2012 without any notice to the respondent, regarding which the respondent had moved a complaint to the Bar Council



and he has already availed the appropriate remedy. As such, the said statement is not binding upon the respondent.

5. I have considered the aforesaid submissions and perused the paper book.

6. Since the First Appellate Court is already seized of the matter as the judgment and decree for recovery against the petitioner has already been challenged, as such, at this stage, no opinion on the merits of the case can be given by this Court. It has been informed that even an application seeking interim stay against the execution of the decree has been filed, which is pending before the First Appellate Court.

7. This fact is not disputed by the learned counsel for the respondent that the aforesaid application as well as the appeal is pending adjudication before the First Appellate Court.

8. In view of the above facts and circumstances, it is in the fitness of the things that the matter should be decided by the First Appellate Court. However, the rights of the petitioner, who is dealing with the money collected on behalf of all the members of the Society, should be proptected for a limited period till the application for interim stay is decided by the First Appellate Court.

9. Consequently, the present petition is disposed of with the following observations:-

- (i) The First Appellate Court shall consider the application bearing No.DJ-710-2025, filed by the petitioner seeking interim stay pending the appeal. Such exercise be conducted within a period of 15 days upon receipt of a copy of this order. Both the parties are directed to appear before the First Appellate Court on **13.11.2025**.



(ii) Till the decision of the said application, the Executing Court shall not pass any adverse order against the petitioner.

10. It is made clear that nothing expressed hereinabove shall be construed to be an expression of opinion on the merits of the case.

11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

31st October 2025
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>