

CR-4934-2025 (O&M)

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

CR-4934-2025 (O&M)

Date of Decision: July 30, 2025

Mohinder Singh

.....Petitioner

Vs.

Sarabjit Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Atul Jain, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. The present revision petition is filed for setting aside order dated 16.05.2025 passed by the learned Addl. Civil Judge (Sr. Division), Kapurthala, whereby in the execution application filed by the respondent/decreed holder, the learned Executing Court has kept the attachment intact, as ordered in the earlier execution application, which was withdrawn by the respondent/decreed holder in Execution bearing No. Exe/29/2025 titled as Sarabjit Singh Vs. Mohinder Singh.

2. Learned counsel for the petitioner contends that since the earlier execution application filed by the respondent/decreed holder was dismissed as withdrawn, therefore, the fresh execution application filed by respondent-decreed holder cannot be started from the same stage i.e the stage when previously filed execution application has been withdrawn.

3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

4. A perusal of the file shows that admittedly, the respondent filed suit for possession by way of specific performance, which was decreed in his favour

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vide judgment and decree dated 13.11.2014. The petitioner filed appeal before the learned District Judge, Kapurthala against the judgment and decree dated 13.11.2014, which was dismissed vide judgment and decree dated 09.12.2016. The petitioner never filed any regular second appeal against the judgment and decree dated 09.12.2016 passed by learned District Judge, Kapurthala. The respondent filed execution application bearing No. Exe-56-2018 before the Executing Court and vide order dated 21.12.2019, the same was ordered to be dismissed as withdrawn with liberty to move a fresh by keeping the proceeding intact.

The respondent/decreed holder filed second execution application bearing No. Exe 9-2020 before the learned Executing Court and the same was ordered to be dismissed as withdrawn on 24.02.2023 with liberty to file fresh execution from the stage of issuance of sale warrants and it was ordered by the Executing Court that the attachment already effected shall remain intact.

On 30.04.2025, the respondent/decreed holder moved another execution application bearing No. Exe-29-2025 and original file was summoned. Thereafter, the impugned order dated 16.05.2025 was passed, which is reproduced as under:-

Sarabjit Singh Vs. Mohinder Singh. EXE/29/2025
CNR No.PBKP020003912025

Present: Sh. Mohit Kapur, Adv, counsel for the DH.

Original file received and attached.

Perusal of the original file No.09/2020 reveals that earlier the execution was pending for sale of the property attached under Order 21 Rule 66 CPC and the same was dismissed as withdrawn on 24.02.2023 with liberty to the DH to file fresh execution from the stage of issuance of sale warrants. The attachment already effected is stated to remain intact. Notice to the counsel for the JD and to the JD be issued for 22.05.2025.”

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6. A perusal of the above referred to order dated 16.05.2025 shows that the execution application filed by the respondent-decree holder was dismissed as withdrawn on 24.02.2023 with a liberty to file fresh from the stage of issuance of sale warrants, therefore, there is no infirmity or illegality in the above referred to order and the same requires no interference by this Court.

7. Accordingly, the present revision petition is dismissed being devoid of any merit.

8. Pending application(s), if any also stands disposed of.

July 30, 2025

Gaurav Arora

(SUDEEPTI SHARMA)**JUDGE**

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No