



CR-6731-2025

-1-

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

127

CR-6731-2025

Date of decision :08.12.2025

SUNIL @ SUNIL KUMAR PARMAR AND ANOTHER ...PETITIONERS**VERSUS****M/S RAJ TEXTILES****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Parminder Singh, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

1. The petitioner is aggrieved by the impugned order dated 15.07.2025 (Annexure P-5) passed by the Civil Judge (Junior Division), Rohtak, whereby the objections to the execution of the judgment and decree dated 16.04.2024 have been dismissed.

2. It is the case of the JD/petitioner that the learned Executing Court has wrongly dismissed the objections preferred by the judgment debtor. In the objections, particularly in paragraph No. 5, it was specifically stated that the keys had already been handed over to the husband of the plaintiff, and nothing remained due after the handing over of the keys to the plaintiff-respondent.

3. Learned counsel for the JD/ petitioners further argued that the learned Court of first instance erred in passing the judgment and decree dated 16.04.2024 by decreeing a suit for rendition of accounts as a suit for recovery simpliciter. Both these objections have been duly considered by this Court.

Admittedly, upon notice of the suit, the defendant–petitioner had appeared but



CR-6731-2025

-2-

failed to file its written statement or take any specific stand against the suit filed by the plaintiff–respondent, and the defence of the defendant–petitioner was struck off by the Court of first instance vide order dated 25.07.2023. Thereafter, the defendant–petitioner chose not to appear and was proceeded against *ex parte* on 30.11.2023. The defence now sought to be raised by the petitioner–defendant could only have been raised during the trial before the Court of first instance. The merits of the case cannot be gone into by the Executing Court, which is bound to execute the decree and cannot go beyond it.

4. In the present case, any contention or challenge to the judgment and decree dated 16.04.2024, whether before the Executing Court or in the present revision, cannot be entertained after the defendants–petitioners chose not to contest the suit. The Executing Court could not have gone beyond the judgment and decree dated 16.04.2024. There is no error in the impugned order dated 15.07.2025. The present revision petition is, accordingly, dismissed.

5. It is, however, made clear that the dismissal of the present revision petition shall have no bearing on the pending application under Order IX Rule 13 CPC filed by the petitioners against the *ex-parte* order dated 30.11.2023 and the *ex-parte* judgment dated 16.04.2024. The petitioners shall be at liberty to raise permissible defence in accordance with law.

08.12.2025

manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No