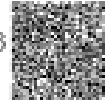


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2025.PHHC:168376



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

CR-7005-2025

DECIDED ON: 04.12.2025

SUNRAYS HEIGHTS PRIVATE LIMITED

.....PETITIONER

VERSUS

DEVENDRA YADAV AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Vipin Pal Yadav, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present civil revision petition under Section 115 read with Section 151 of the Code of Civil Procedure and Article 227 of the Constitution of India has been filed seeking partial setting aside of the order dated 20.09.2025 passed in the execution proceedings arising out of the decree dated 27.09.2022. The prayer is confined to expunging the adverse remarks recorded against the counsel for the judgment-debtor and the consequential imposition of costs.

2. The grievance of the petitioner is that although learned counsel for the petitioner had appeared in the morning, filed an application under Section 151 CPC at 10:00 AM, and informed both the Court staff and the opposite party before leaving due to another professional engagement, the learned Executing Court proceeded to record stigmatic remarks wholly inconsistent with the factual position reflected in the same order-sheet. The

petitioner asserts that the remarks have caused unwarranted prejudice to the professional reputation of the counsel.

3. The matter being limited to the question of adverse remarks against counsel, issuance of notice to the respondents is not required.

4. I have heard learned counsel for the petitioner and carefully gone through the impugned order. The relevant portion of the order dated 20.09.2025, which is the subject matter of challenge, reads as under:

“It has been observed by this Court that learned counsel for judgment-debtor has herself left the court room without any further submissions. This conduct of learned counsel for judgment-debtor Ms. Eliza Gupta, Advocate is not at all tolerable and accordingly, cost of Rs. 30,000/- is hereby imposed upon the JD for causing mental torture/harassment to decree-holder, which shall be paid to DH, who is present before the court since morning. She is directed to maintain decorum of the court in future. She is being warned to be careful in future.”

5. A plain reading of the above observation shows that serious personal findings were recorded against the counsel, attributing to her conduct which the order-sheet itself does not substantiate. The same order-sheet records her presence in the morning and acknowledges filing of the application. In these circumstances, the remarks were not essential for adjudicating the request for adjournment and were made without affording any opportunity to the counsel to clarify the circumstances. Adverse remarks affecting the professional standing of an advocate must be avoided unless absolutely necessary for the decision of the case and only after due notice and opportunity.

6. This Court is conscious of the heavy responsibilities on trial courts and the pressures under which judicial officers function. Nevertheless, the language employed in the impugned order was avoidable. A more measured and temperate approach would have sufficed, particularly when the record itself reflected the earlier presence and bona fide conduct of counsel.

7. The remarks made in the impugned order were not necessary for the decision of the adjournment request and were avoidable. They have the potential to adversely affect the reputation of the counsel and therefore deserve to be expunged. At the same time, this Court refrains from making any strict observation against the learned Executing Court, noting only that a more temperate approach would have been appropriate in the circumstances.

8. In view of the above discussion, the civil revision petition is allowed. The adverse and stigmatic remarks recorded against the counsel for the petitioner in the order dated 20.09.2025, as well as the direction imposing costs of ₹30,000 on the judgment-debtor for the alleged conduct of counsel, are hereby ordered to be expunged. The remaining part of the impugned order shall remain undisturbed.

9. All pending miscellaneous application(s), if any, stands disposed of.

04.12.2025

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*