



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

**CR-7524-2025(O&M)
Date of decision: 18.11.2025**

Pinky Talwar

... Petitioner

Versus

Maya Devi and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Jai Bhagwan Sharma, Advocate,
for the petitioner.

Mr. A.P. Bhandari, Advocate, and
Ms. Bhargavi, Advocate,
for respondent No.1.

VIKRAM AGGARWAL, J.

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 04.10.2025 (Annexure P-1), passed by the Court of Additional District Judge, Faridabad, vide which the appeal filed by respondent No.1/plaintiff/decreed-holder was allowed and the execution petition was restored to its original number.

2. The facts, as emanating from the revision petition, are that a civil suit for recovery of Rs.8,32,500/- was instituted by respondent No.1/plaintiff in the Court of Additional District Judge-01, South-East District, Saket Courts, New Delhi. The said suit was decreed vide judgment and decree dated 19.07.2023 (Annexure P-3) and respondent No.1 was held entitled to a sum of Rs.8,32,500/- as well as mesne profits/damages to the tune of Rs.82,500/- along with simple interest @ 9% per annum from the date of filing of the suit till its realization.



3. An execution petition was filed, wherein the judgment debtor/proforma respondent No.2 was proceeded against *ex parte*. For the decree-holder could not provide the address of the judgment debtor along with his property details, the execution petition was ordered to be consigned to the record room and objections submitted by the present appellant were also dismissed vide order dated 19.09.2025 (Annexure P-2).

4. Aggrieved by order dated 19.09.2025, respondent No.1/decreed-holder filed an appeal in the Court of Additional District Judge, Faridabad, on 25.09.2025. However, without service having been effected upon the present petitioner, who had been impleaded as respondent No.2 therein, the appeal was allowed vide impugned order dated 04.10.2025, leading to filing of the present revision petition.

5. I have heard learned counsel for the parties.

6. Learned counsel for the petitioner submits that the impugned order is not sustainable, as it was passed without the petitioner having been served. However, learned counsel submits that the petitioner is ready and willing to appear before the Court of Additional District Judge and prays that the matter be decided after hearing him.

7. Per contra, Mr. Bhandari, learned counsel for respondent No.1/-plaintiff, submits that the petitioner had due knowledge of the appeal and under the circumstances, the Court proceeded with the hearing of the appeal.

8. I have considered the submissions made by learned counsel for the parties.

9. The Court of Additional District Judge, Faridabad, duly noticed in the first paragraph of the impugned order that the notice issued to the



respondent/judgment debtor had not been received back. It further went to notice that as per learned counsel representing the appellant/decreed-holder, the respondent-judgment debtor was sitting outside the Court room, but despite calls having been made, no one appeared on behalf of the respondent/judgment debtor. The Court then proceeded to hear and allow the appeal.

10. In the considered opinion of this Court, the Court of Additional District Judge, Faridabad, adopted a procedure unknown to law. Once the respondent therein had not been served, there was no occasion for the Court to make calls and then proceed to decide the appeal without service having been effected. That being so, the impugned order is not sustainable. Accordingly, the instant revision petition is allowed and the impugned order dated 04.10.2025 (Annexure P-1) is set aside.

11. Accordingly, the petitioner (Pinky Talwar) and respondent No.1 (Maya Devi), as also the Proprietor of M/s Nikki Creations (respondent No.2), shall appear before the concerned Court on 01.12.2025, and the Court shall thereafter proceed to decide the appeal in accordance with law.

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

(VIKRAM AGGARWAL)
JUDGE

November 18, 2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No