



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

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CR-8890-2025 (O&M)
Date of Decision: 08.12.2025

Bikram Singh

...Petitioner

V/s

Rajinder Saini

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Karan Chaudhary, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 09.09.2025 (Annexure P-7) passed by the executing Court, Gurdaspur, vide which the objections filed to the execution petition have been dismissed and sale deed, on the basis of judgment and decree dated 20.01.2023 passed by the Court of Civil Judge (Sr. Divn.), Gurdaspur has been ordered to be registered.

2. A suit for possession by way of specific performance of agreement to sell dated 15.05.2015 was filed by the respondent-plaintiff (Rajinder Saini) against the petitioner-defendant (Birkam Singh). The said suit was decreed by the Court of Civil Judge (Sr. Divn.), Gurdaspur vide judgment and decree dated 20.01.2023 (Annexure P-1). Aggrieved by the said decision, the petitioner-defendant instituted an appeal (Annexure P-2). However, the said appeal was dismissed in default vide order dated 03.07.2024 passed by the Court of Addl. District Judge, Gurdaspur. Against the said decision, it has been submitted in Court that a regular second appeal has been filed.

3. After the dismissal of the appeal, an execution application was filed by the respondent-plaintiff (Annexure P-4). In the said execution application, objections (Annexure P-5) were instituted by the petitioner-defendant stating that the judgment and decree under execution had been procured by the decree-holder on the basis of false and forged documents and by misleading the trial Court. The said objections were opposed by way of a reply (Annexure P-6).

4. By way of the impugned order dated 09.09.2025, the said objections were dismissed and local commissioner was appointed for execution of the sale deed.

5. I have heard learned counsel for the petitioner.

6. Learned counsel for the petitioner submits that since against the appeal dismissed in default, a regular second appeal has been filed, the instant revision petition be heard along with the said regular second appeal. He further submits that the judgment and decree dated 20.01.2023 had been obtained by the decree-holder by way of misrepresentation.

7. I have considered the submissions made by learned counsel for the petitioner but find the same to be bereft of merit.

8. The judgment and decree dated 20.01.2023 was a decision on merits after the petitioner-defendant contested the same. The appeal instituted by him against the said judgment and decree was dismissed in default on 03.07.2024. The filing of a regular second appeal against the said order would not *ipso facto* be a reason to hear the instant revision petition along with the said regular second appeal.

9. To oppose the execution proceedings instituted by the decree-holder, the petitioner filed objections raising vague grounds that the judgment and decree dated 20.01.2023 had been obtained by the decree-holder by way of misrepresentation and on forged documents. It is well settled that the

executing Court cannot go beyond the decree and such grounds raised in execution by the judgment-debtor are not entertainable. The purpose of filing of objections is manifestly clear which is to delay and derail the execution proceedings. In the considered opinion of this Court, the executing Court did not commit any illegality in dismissing the objections and proceeding further in the execution proceedings.

10. In view of the above, I do not find any merit in the instant revision petition and the same is accordingly dismissed.

Pending application(s), if any, stand(s) disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

December 08, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No