

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

(118)

CR-9433-2025 (O&M)

Date of Decision:-19.12.2025

KAMALJIT KAUR AND ANOTHER

... Petitioners

Versus

LAKHVIR SINGH AND ANOTHER

... Respondents

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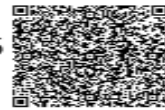
CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Rishav Jain, Advocate, with
Ms. Shivaly Singla, Advocate,
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. This Revision Petition has been filed assailing the order dated 01.12.2025 passed by learned Civil Judge (Junior Division), Phillaur, whereby warrant of possession has been issued without affording any opportunity to file objections to petitioners and application for recalling the order dated 26.11.2025 was also dismissed.

2. Petitioner-Kamaljit Kaur pleads that the suit against petitioners was decreed and suit filed by petitioner-Kamaljit Kaur was dismissed. She filed appeals against both the judgment and decrees, which were pending for adjudication and on 19.03.2025, both the appeals were dismissed for want of appearance by the petitioner and petitioner moved an application for restoration of the appeals on 16.04.2025 and the reply to the application was filed only on 06.10.2025 by the respondent/decreed-holder. On 03.11.2025, respondent/decreed holder through Attorney filed an Execution Petition. Notice of the same was served upon the petitioners for 26.11.2025. One of the petitioner appeared through counsel and the other petitioner failed to appear and was proceeded against *ex parte*. The Court on that very day issued warrants of possession of the property along with an order for breaking open the locks in case premises is



found locked and further that in case, there is any resistance to the execution of the warrants then warrants be executed with the help of the police.

3. Petitioner moved an application for recalling the order as well as filed objection petition against the execution petition. Objection petition as well as application for recalling the order dated 26.11.2025 was declined vide impugned order. The order has been assailed in the revision petition on the grounds that the Executing Court is proceeding with the execution of the decree in a undue hurry without even following the principles of natural justice and without affording proper opportunity of being heard to the petitioner and that in case, decree is executed by execution of warrants of possession then application filed by the petitioners for restoration of the appeal would be rendered infructuous.

4. I have heard counsel for the petitioners at length and has gone through the paper book carefully.

5. The learned Executing Court vide impugned order dated 01.12.2025 has dismissed the objection petition of the petitioners by recording cogent and convincing reasons that objection with regard to the correct boundaries of the suit property and the fact that Avtar Singh is not the Attorney of the decree holder were required to be raised during the suit and that Executing Court cannot go behind the decree.

6. Perusal of the file shows that the present execution petition has been filed by the decree holder through Avtar Singh, Power of Attorney of the decree holder. Even the suit was filed by the decree holder through that Avtar Singh acting as Power of Attorney, so, there is no illegality or perversity in the order passed by the learned Executing Court, whereby, the objection petition filed by the petitioners/objectors has been dismissed.



7. Counsel for the petitioners further submitted that in the interest of justice, he be allowed to contest the decree by the appeal for restoration of which, the application is pending and in case, decree is executed before decision of that application then his application as well as appeals would be rendered infructuous.

8. Considering the fact that petitioners were contesting the appeals since year 2019 and the appeals were dismissed for non-appearance on one single day and the application for restoration of the appeals is pending adjudication and as per the information provided by the counsel for the petitioners, the application for restoration of the appeals is pending for 23.12.2025.

9. In view of this, the revision petition is disposed of with a direction to the First Appellate Court to dispose of the application for restoration of the appeal on 23.12.2025, for which, it is pending as reply has already been submitted by the respondent/decreed holder on 06.10.2025 and in the meantime, the execution of the decree would remain stayed.

10. As a natural corollary, since the main case stands disposed of, all pending miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them pending.

19th December, 2025

S. Pathania

(VIRINDER AGGARWAL)

JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No