IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CMPMO No. 275 of 2026

Decided on: 26.10.2026

Naresh Kumar & anr.

... Petitioners

Versus

Ram Rakha & anr.

...Respondents

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Petitioners: Mr. Dixit Sahotra, Advocate.

For the Respondents *:* Mr. N.K. Thakur, Senior Advocate, assisted by Mr. Karan Vir Singh, Advocate.

Virender Singh, Judge (oral)

Petitioners have filed the present petition, under Article 227 of the Constitution of India, against the order dated 16.5.2026, passed by the Court of learned Senior Civil Judge, Court No. 1, Amb, District Una, H.P. (hereinafter referred to as 'the trial Court'), in an application, filed under Section 151 of the CPC, by virtue of which, the documents were sought to be placed on record, in Execution Petition No. 13-X/2018, titled as,

'Ram Rakha & anr. versus Naresh Kumar & anr., in Civil Suit No. 95-1 of 2001.

2. By way of order dated 16.5.2026, the application for placing on record the documents, under Section 151 CPC, filed by the petitioners, has been ordered to be dismissed.

3. For the sake of convenience, parties to the lis, are hereinafter referred to, in the same manner, as referred to, by the learned trial Court.

4. Decree-Holders Ram Rakha and another have filed the execution petition, against the JDs. During the pendency of the Execution Petition, the JDs moved the application for production of certified copy of order/judgment and decree sheet of decision of learned Senior Civil Judge, Amb, Court No. 1, dated 21.3.2005, in Civil Suit No. 95-1/2001 and certified copy of order dated 25.2.2016, passed by the Sub Divisional Officer, Amb, in case No. 107/A/2013, in case titled as, 'Rakesh Kumar versus Ram Rakha'.

5. The said application was moved to permit the JDs to place on record the above-titled documents. The

documents are stated to be essential for the decision of the controversy, involved in the present case.

6. When, put to notice, the application has been contested by the decree-holders on the grounds that the application is not maintainable; applicants are estopped by their acts and conduct to file the application; and the application is gross misuse of the process of law.

7. On merits, the prayer, so made in the application, has been opposed on the ground that the applicants are in habits of moving such type of applications. Moreover, the application filed by the applicants, under Order 8 Rule 1-A of the CPC, on the same ground, was allowed by the learned Executing Court, on 06-08-2025.

8. After hearing learned counsel for the parties, the learned trial Court has dismissed the application on 16-05-2026, mainly on the ground that the application is misuse of the judicial process, as the similar application filed earlier, under Order 8 Rule 1 of the CPC was allowed on 06-08-2025.

9. The said findings have been assailed by way of present petition.

10. Heard.

11. Admittedly, the matter before the learned Executing Court was regarding the execution of the decree, passed in the present case. The learned counsel appearing for the petitioners/Judgment Debtors could not satisfy the judicial conscience of this court as to how the pre-decretal matter, i.e., the decision of learned Senior Civil Judge, Amb, District Una, H.P., in Civil Suit No. 95-1 of 2001 and the certified copy of the order dated 25.2.2016, passed by the learned Sub-Divisional Officer, Amb, in case No. 107/A/2013, have any bearing or relevance with the controversy, involved in the present case.

12. Merely for the reason that the applicants have pleaded that the documents are necessary and essential for the proper and effective adjudication of the case, does not entitle them to produce the documents in the execution petition.

13. The pre-decretal matter, cannot be taken into consideration, as the Executing Court cannot go behind the decree. The learned Executing Court, in the present case, has elaborately considered the rival contentions of the parties and the conclusion, so drawn, by the learned Executing Court, does not require any interference, by this court.

14. In view of above, the present petition is dismissed, so also the pending application(s), if any.

15. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present application.

(Virender Singh)
Judge

26.10.2026
(Kalpana)