



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

**CR No. 2045 of 2026 (O&M)
DATE OF DECISION: 17.03.2026**

JASWINDER SINGH

.....PETITIONER

Vs.

SAHIB SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.(ORAL)

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 16.01.2026 (Annexure P-5), passed by the learned Civil Judge (Junior Division), Barnala, in Civil Suit No. 95 dated 11.07.2016 titled as '*Sahib Singh vs. Jaswinder Singh*', whereby the objections filed by the petitioner-defendant have been dismissed.

2. Brief facts of the case are that the respondent-plaintiff, Sahib Singh, had filed a suit for recovery of ₹5,44,000/-, alongwith the interest against the present petitioner-defendant on the basis of a pronote and receipt dated 08.07.2013. Notice of the said suit was issued to the present petitioner-defendant, who appeared through counsel and filed the written statement before the learned trial Court. From the pleadings of the parties, as many as four issues were framed, including 'Relief'. Thereafter, the parties led their respective evidence. On the basis of appreciation of the



evidence, the learned Civil Judge (Junior Division), Barnala, decreed the suit of the respondent-plaintiff for a sum of ₹4,00,000/- along with interest, vide judgment and decree dated 15.05.2019 (Annexure P-1).

2.1 Thereafter, the respondent/plaintiff/Decree Holder (for short, 'DH') filed an execution application under Order XXI Rule 11(2) of the Code of Civil Procedure, 1908 (for short, 'the CPC') (Annexure P-2). Notice of the said execution application was issued to the present petitioner/defendant/Judgment Debtor (for short, 'JD'), who appeared through his counsel and filed objections (Annexure P-3). Reply to the said objections was also filed by the respondent-DH (Annexure P-4). The learned Civil Judge (Junior Division), Barnala, after hearing counsel for the parties, dismissed the objections of the present petitioner-JD, vide order dated 16.01.2026 (Annexure P-5), which is now under challenge.

3. Learned counsel for the petitioner-JD has submitted that, in fact, a compromise had been effected between the parties, i.e. the petitioner-JD and the respondent-DH, in the '*Panchayat*' and in the presence of respectable persons. In the said oral compromise, the respondent-DH had assured that he would withdraw the execution proceedings. However, despite the said compromise/assurance, the respondent-DH did not withdraw the execution application and the property of the petitioner-JD has now been attached.

3.1 It is further submitted that the petitioner-JD has already made full payment to the respondent-DH and, in case the property of the petitioner-JD is put to auction, the same would cause serious prejudice to him.



3.2 It is also submitted that the learned Civil Judge (Junior Division), Barnala, ought to have framed issues regarding the alleged compromise. However, nothing has been discussed in the impugned order dated 16.01.2026 (Annexure P-5) with regard to the said compromise.

4. In view of the facts of the present case, this Court is of the opinion that issuance of notice to the respondent would unnecessarily delay the proceedings; accordingly, issuance of notice to the respondent is dispensed with.

5. Keeping in view the facts and circumstances of the present case and after hearing the contentions raised by learned counsel for the petitioner-JD, this Court deems it appropriate to set aside the impugned order dated 16.01.2026 (Annexure P-5), as the aspect of compromise has not been considered therein.

6. Consequently, the present petition is disposed of by setting aside the impugned order dated 16.01.2026 (Annexure P-5) and by issuing a direction to the learned trial Court to decide the objections of the present petitioner-JD afresh. In case the need arises for framing an issue regarding the compromise, the same shall be done after affording an opportunity to the respondent-plaintiff, within a period of three months from today.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

MARCH 17, 2026

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Whether Speaking

Whether Reportable

(AMARINDER SINGH GREWAL)

JUDGE

Yes

No