



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-2344-2026(O&M)

Date of decision: 12.03.2026

Karamjit Kaur

...Petitioner(s)

Vs.

Dhanna Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vivek Singla, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the judgment debtor seeking setting aside of the order dated 25.02.2026 (Annexure P1) whereby objections filed by the petitioner in Execution Petition No.360 of 2024 have been dismissed by the Executing Court.

2. It is inter alia submitted by learned counsel for the petitioner that the impugned order suffers from material error inasmuch as learned Executing Court has failed to appreciate that the property attached in the execution/auction proceedings is the only residential property of the petitioner. It is submitted that therefore, as per provisions of Section 60(1)(c) CPC, residential property of the petitioner could not have been attached. It is submitted that in the objections, the petitioner had categorically pleaded that



the auction proceedings were conducted in complete violation of the mandatory provisions of the CPC. It was specifically averred by the petitioner that no proper Munadi was conducted in the locality for informing petitioner/General Public. Even no notice regarding auction was fixed at prominent public place. It is contended that in the absence of proper proclamation and notice, no proper opportunity was afforded to the petitioner.

3. It is reiterated that the petitioner had raised a specific and substantial objection that the property sought to be auctioned constitutes the only residential house of the petitioner, where the petitioner resides along with her family members. The petitioner categorically pleaded that the said residential property is protected under the provisions of Section 60(1)(c) of the Code of Civil Procedure, which clearly provides that the house and other buildings belonging to and occupied by a judgment debtor and used as his or her dwelling house are exempt from attachment and sale in execution of a decree. But despite the specific statutory protection available to the petitioner under Section 60(1)(c) CPC, the Ld. Executing Court failed to properly appreciate the legal position and did not conduct any meaningful inquiry into the said objection.

4. It is accordingly prayed that the impugned order cannot be sustained and be set aside.

5. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the record in detail.



6. Brief facts of the case in chronological order are as under: -

19.11.2012: The respondent/plaintiff had filed Civil Suit dated 19.11.2012 for recovery of Rs.1,23,750/- against the petitioner.

02.11.2015: Vide judgment and decree dated 02.11.2015 (Annexure P2), the said Suit was decreed by the learned Civil Judge (Junior Division), Barnala.

24.12.2024: On 24.12.2024, the respondent/decreed holder had filed Execution Petition (Annexure P3).

08.10.2025: Record reveals that as the petitioner had failed to appear despite munnaadi, the respondent had sought attachment and sale of the property owned by the petitioner to satisfy the decretal amount. The learned Executing Court accordingly issued warrants of attachment of the property; and subsequently the respondent moved an application under Order 21 Rule 66 CPC for issuance of sale warrants in respect of the attached property. On 08.10.2025, the Executing Court issued sale warrants.

06.11.2025: The sale warrants were received back executed on 06.11.2025.

07.11.2025: Consequentially, the Executing Court had disposed of the Execution Petition vide the following order dated 07.11.2025 (Annexure P3):-

“Perusal of the file reveals that sale warrants received back executed on 06.11.2025. In view of the same, the present execution application is disposed of with direction that time period of 60 days will keep on counting from 06.11.2025 for filing of objections, if any, to sale of property of the JD. It is further clarified that DH is at liberty to file fresh execution for



confirmation of sale and further reliefs as per law. Accordingly, the present execution application consigned to Record Room, Barnala after due compliance.”

25.02.2026: Thereafter, the petitioner had filed objections to the Execution Petition; which have been dismissed vide impugned order dated 25.02.2026 (Annexure P1).

7. At the very outset, it may first be pointed out that on a direct Court query, learned counsel for the petitioner has admitted that against the judgment and decree dated 02.11.2015 (Annexure P2) passed by learned Civil Judge (Junior Division), Barnala, no Civil Appeal has been filed by the petitioner laying challenge to the said decree.

8. It is also to be pointed out that although the petitioner has said that he had filed objections to the Execution Petition, however, no date of filing etc is mentioned in the present Revision Petition; and even no objections purported to have been filed by the petitioner have been attached by way of annexure with the present Revision Petition.

9. Be that as it may, it has been contended by learned counsel for the petitioner that the impugned order cannot be sustained as the only residential house of the petitioner has been put to auction to satisfy the decretal amount. However, except for the bald and oral statement of the petitioner, there is no evidence whatsoever on record to show, that the property in respect of which warrants of sale were issued, was the only residential property of the petitioner. Again, on a direct Court query, learned



counsel for the petitioner has admitted that the petitioner had not given any list of properties/assets to the learned Executing Court. The relevant observations of the learned Executing Court in the impugned order dated 25.02.2026, which read as follows: -

4...Thereafter, objections have been filed by the judgment debtor on the ground that the munadi was not deposited for the purpose of auction proceedings. The munadi fees which was deposited by the DH was for the purpose of summoning of JD. However, perusal of the file reveals that munadi fees was filed on 13.10.2025 and which was duly effected on 16.10.2025, in compliance of the order dated 08.10.2025 for the purpose of auction proceedings. Accordingly, the objection filed by the JD/objector is not maintainable and is devoid of any merits. Moreover, learned counsel for the JD/objector has not brought anything substantial on record in support of his objections that no process server went to the site, no letters regarding auction was pasted on public places. Further, learned counsel for the JD/objector raised the objection that the property sold is the residential house of the JD/objector. However, it is pertinent to mention except oral averments, nothing has been placed on record by the JD/objector to show that the property sold in pursuance of sale warrants is the 'only' residential house of the JD/objector and the onus was upon the JD/objector but he failed to discharge the onus. Moreover, the objection of the JD/objector that the property sold pursuant to sale warrants is the residential house of the JD/objector is not maintainable on the score that at this stage, only the objections regarding any material irregularity or fraud in the publishing or



conducting the sale, proceedings or the JD/objector has no saleable interest in the property sold can be raised.

5. Furthermore, here, it is however, apposite to note the observations of the Hon'ble Supreme Court in **Rahul S. Shah vs. Jitendra Kumar Gandhi & Ors. (2021) 6 SCC 418**, as under:-

"23. This Court has repeatedly observed that remedies provided for preventing injustice are actually being misused to cause injustice, by preventing a timely implementation of orders and execution of decrees. This was discussed even in the year 1872 by the Privy Council in **The General Manager of the Raja Durbhunga v. Maharaja Coomar Ramaput Singh (1871-72) 14 Moore's I.A. 605.**, which observed that the actual difficulties of a litigant in India begin when he has obtained a decree. ..."

10. Learned counsel for the petitioner is unable to dispute or controvert the aforesaid facts and findings.
11. In view of the above, present revision petition stands **dismissed**.
12. Pending application(s) if any also stand(s) disposed of.

12.03.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No