



CR-2887-2026

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

(130)

CR-2887-2026

Date of Decision: - 02.04.2026

Sangeeta

....Petitioner

Versus

Trishul Wood Products Private Limited

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Shikhar Sarin, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. The judgment debtor has filed the present revision petition under Article 227 of the Constitution of India seeking quashing of the order dated 30.01.2026 (Annexure P-6) passed by the Additional District Judge, Chandigarh in Misc. Civil Appeal No.125 of 2025, whereby the appeal against the order of dismissal of objections of the petitioner/judgment debtor in execution proceedings has been dismissed. Challenge is also to the order dated 11.02.2026 (Annexure P-7) passed in execution whereby the Civil Judge (Junior Division), Chandigarh, in pursuance of the dismissal of the appeal, has ordered the auction of the property in question.

ARGUMENTS ON BEHALF OF THE PETITIONER

2. Learned counsel for the petitioner has submitted that the

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premises in question is the sole residential house of the petitioner and thus, the same could not have been attached. It is further submitted that the Appellate Court vide order dated 30.01.2026 had rejected the case of the petitioner primarily on the ground that there was another residential property belonging to the petitioner i.e. House No.444/2, Village Kishangarh, Chandigarh. It is argued that the said premises had been transferred by the petitioner in favour of her son on 11.09.2025 and the same was not the residential house of the petitioner but was, in fact, agricultural land and in support of the said argument, the counsel has relied upon the transfer deed dated 11.09.2025 (Annexure P-4). It is further argued that in the said circumstances, since the land was the agricultural land, the same could not have been made the basis for rejecting the plea of the petitioner for exemption under Section 60(1)(ccc) of CPC. It is prayed that the impugned order dated 30.01.2026 (Annexure P-6) be set aside and the auction of the said house which is to take place on 06.04.2026 be cancelled. It is fairly stated by learned counsel for the petitioner that the present revision petition be treated as a revision petition under Article 227 of the Constitution of India and not a revision petition under Section 115 of the Code of Civil Procedure, 1908.

ANALYSIS AND FINDINGS

3. This Court has heard learned counsel for the petitioner and has perused the paper-book and finds that the impugned order dated 30.01.2026 (Annexure P-6) passed by the Appellate Court as well as the order passed by the Executing Court dated 14.07.2025 (Annexure P-3),

which has not been challenged in the present case, are in accordance with law and deserve to be upheld and the present revision petition, being meritless, deserves to be dismissed, for the reasons detailed hereinafter.

4. The facts of the present case would depict that every endeavour has been made by the judgment debtor to delay the execution of the judgment and decree dated 04.02.2019, which had attained finality. It is not in dispute that the respondent/plaintiff had filed a suit for recovery on 28.03.2018 against the present petitioner. In the said proceedings, the petitioner was proceeded against ex-parte and vide judgment and decree dated 04.02.2019 (Annexure P-1), the suit of the respondent was partly decreed. The relevant portion of the said judgment is reproduced herein below: -

“M/s Trishul Wood Products Pvt. Ltd. a Private Limited Company and having its registered office at House No.3190, Sector-21 D, Chandigarh, through its authorized representative and Director Mr. Ram Avtar Batra.

...Plaintiff

VERSUS

Smt. Sangeeta wife of Azad Singh, resident of House No.251, Sector-21A, Chandigarh.

2nd Address:

Smt. Sangeeta wife of Azad Singh, resident of House No.444/2, Village Kishangarh, U.T., Chandigarh.

.....Defendant

xxx xxx xxx

9. *In view of my above said discussion, the suit of the plaintiff stands partly decreed with cost and **plaintiff is held***



entitled for recovery of Rs.46,25,110 /- from defendant along with interest @ 9% per annum from the date of filing of suit till the date of Judgment and Decree and further future pendente-lite interest @ 6% per annum from the date of judgment and decree till the realization of decreetal amount on an amount of Rs. 46,25,110/- from defendant within six months from today, failing which plaintiff shall be entitled to recover the same in due course of law. Decree sheet be prepared. File be consigned to the record room after due compliance.

Announced in open Court:

04.02.2019”

A perusal of the above would show that the petitioner/Sangeeta was stated to be a resident of two houses, one of which is House No.444/2, Village Kishangarh, U.T., Chandigarh.

5. On a pointed query raised by this Court, learned counsel for the petitioner has very fairly submitted that the petitioner had filed an application under Order 9 Rule 13 CPC but the same was dismissed on 21.11.2023 and no further challenge was made and thus, the judgment and decree dated 04.02.2019 (Annexure P-1) had attained finality. The respondent/plaintiff had filed execution proceedings on 31.05.2021 (Reference may be made to page 33 of the paper-book). In the said proceedings, the petitioner was proceeded against ex-parte twice i.e. on 12.11.2021 and on 22.12.2023 and warrants of attachment were issued on 22.12.2023 (Reference may be made to page 33 of the paper-book). As is apparent from the order dated 14.07.2025 (Annexure P-3), objections

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were filed by the petitioner/judgment debtor by relying upon the provisions of Section 60(1) of CPC and the same were dismissed on 15.04.2025 with cost of Rs.5,000/-. The said order dated 14.07.2025 (Annexure P-3) further records that the petitioner had failed to pay the said cost and no appeal or revision was filed against the said order dated 15.04.2025 which had attained finality and that the execution proceedings cannot be repeatedly obstructed by filing successive objections with the same substratum. It would be relevant to note that the said order dated 15.04.2025 has neither been annexed nor has been challenged before this Court nor it has been shown that the observations made in the order dated 14.07.2025 with respect to the order dated 15.04.2025 were either perverse or not in accordance with law. On the said short ground alone, the present revision petition deserves to be dismissed. Once the objections filed by the judgment debtor were dismissed on 15.04.2025, it was not open to the judgment debtor to file subsequent/repeated objections in the same execution proceedings, seeking recalling of the warrant of attachment of the same property. However, in spite of the above, after the passing of the order dated 15.04.2025, which had attained finality, the petitioner/judgment debtor again filed objections dated 13.05.2025.

6. It would be relevant to note that the Executing Court vide order dated 14.07.2025 (Annexure P-3) had also dismissed the second set of objections dated 13.05.2025 filed by the petitioner on three grounds. The first ground which was considered by the Executing Court was the ground of maintainability of the second objection petition dated



13.05.2025 in the light of the dismissal of the earlier objection petition dated 15.04.2025 and regarding the same, it was observed that the earlier objection which was filed under Section 60(1)(c) of CPC were dismissed on merits and not on technicality and thus, although the principle of *res judicata* does not strictly apply but the said principle does apply so as to bar repeated objections on the same facts with slight cosmetic changes. This Court is also of the view that the said observations are in accordance with law and deserve to be upheld. A judgment debtor, in order to delay the proceedings, cannot be permitted to raise piecemeal objections by raising one ground at one stage and another ground at a subsequent stage repeatedly seeking recall of the warrants of attachment with respect to the same premises which have been ordered to be auctioned and in case the same is permitted, the judgment debtor would indefinitely delay the execution proceedings. The second ground, which was held against the petitioner in the order dated 14.07.2025 (Annexure P-3), was with respect to the fact that the petitioner had failed to prove that the house, which was sought to be auctioned, was the exclusive residential house of the petitioner and it was observed that the petitioner had another residential house i.e. House No.444/2, village Kishangarh, U.T., Chandigarh and thus, the petitioner was, in any case, not entitled to the protection under Section 60(1)(ccc) of CPC. Accordingly, the said objections were dismissed with cost of Rs.2,000/-.

7. It would be relevant to mention that there was also a third ground for rejection, which ground has been ultimately set aside by the

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order dated 30.01.2026 passed in appeal against the order dated 14.07.2025. However, the two grounds, which have been mentioned herein above, were not set aside. Importantly, the order dated 14.07.2025 has not been challenged by the petitioner in the present revision petition and thus, on the said ground also, the present revision petition deserves to be dismissed, inasmuch as, apart from the fact that the above reasoning in the impugned order dated 14.07.2025, is in accordance with law, the said order has not been specifically challenged before this Court.

8. The appeal filed by the petitioner against the order dated 14.07.2025 was also dismissed after observing that the petitioner/JD has another house i.e. House No.444/2, Village Kishangarh, U.T., Chandigarh although it was her case that she does not have any other residential house in Chandigarh except House No.251, Sector 21, Chandigarh. It was the case of the decree holder that the House No.444/2, Village Kishangarh, U.T., Chandigarh belongs to the petitioner and for the said purpose, jamabandi for the year 2021-22 was placed on record and it was also the case of the decree holder that the said land falls under the Municipal Corporation and the said house has been constructed thereon. The decree holder had also placed on record notice dated 20.11.2022 issued by the Excise and Taxation Department to the District Collector, Chandigarh, wherein, it was mentioned that as per the record of the Excise and Taxation Department, Chandigarh, the address which is for the purpose of correspondence of the petitioner is House No.444/2, Village Kishangarh, Chandigarh. Reliance was also placed upon the application moved by the



petitioner for setting aside the ex parte judgment dated 04.02.2019, under Order 9 Rule 13 CPC, to the effect that the petitioner had not denied her second address mentioned in the head note, by the decree holder which was House No.444/2, Village Kishangarh, Chandigarh nor it was the case of the petitioner that there is no house that exists upon her land. The said documents which were considered by the Appellate Court to dismiss the objections of the petitioner have neither been annexed, nor been shown to be misread and misconstrued. Even a perusal of the transfer deed dated 11.09.2025 (Annexure P-4), which has been relied upon by the learned counsel for the petitioner, would show that the husband of the petitioner- Azad Singh had signed the said transfer deed and had mentioned his residence as House No.444/2, Village Kishangarh, U.T., Chandigarh. The existence of House No.444/2, Village Kishangarh, Chandigarh, as has been observed in the orders passed by the Executing Court and the Appellate Court, is thus *prima facie* established.

9. The Appellate Court had further taken into consideration the conduct of the petitioner in executing a transfer deed dated 11.09.2025 in favour of her son, after the decree had been suffered and the execution had been filed and after the order dated 14.07.2025 had been passed. The said conduct was not appreciated. The execution of the transfer deed dated 11.09.2025 has not been disputed before this Court. In spite of the fact that the decree dated 04.02.2019 had attained finality, the petitioner, instead of complying with the said decree, apart from raising repeated objections has further in order to avoid the execution of the said decree,



transferred one property on 11.09.2025 in favour of her son without any consideration. The said act alone shows the malafide on the part of the petitioner, who has made every endeavour to restrain the decree holder from getting the fruits of the decree.

10. The arguments raised on behalf of the petitioner to the effect that the premises i.e. House No.444/2, Village Kishangarh, Chandigarh is in fact an agricultural land and has been transferred by the petitioner in favour of her son vide transfer deed dated 11.09.2025 and from the said transfer deed it is apparent that the said property is an agricultural property deserves to be rejected for more than one reason. Firstly, a perusal of the objection petition (Annexure P-2) would show that no such plea was taken by the petitioner that the premises i.e. House No.444/2, Village Kishangarh, Chandigarh was actually an agricultural piece of land. In fact no reference was made to House No.444/2, Village Kishangarh, Chandigarh in the said objection petition. In the reply to the objection petition, which is annexed at page 33 of the paper-book, it is the decree holder who had mentioned about the said residential House No.444/2, Village Kishangarh, Chandigarh in para 10 of the said reply. No argument was raised by the petitioner before the Executing Court while arguing her objections that the said house was in fact not a house but was agricultural land. The said fact is apparent from a perusal of the order dated 14.07.2025 (Annexure P-3) vide which the objections of the petitioner were dismissed. Even in the grounds of appeal dated 21.07.2025 (Annexure P-5) no averment was made that the said



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residential house i.e. House No.444/2, Village Kishangarh, Chandigarh was not a house but was agricultural land. The petitioner has now relied upon the transfer deed dated 11.09.2025 to say that the House No.444/2, Village Kishangarh, Chandigarh is in fact agricultural land. A perusal of the said transfer deed dated 11.09.2025 (Annexure P-4) would show that the same pertains to land at village Manimajra, U.T., Chandigarh and not with respect to House No.444/2, Village Kishangarh, Chandigarh. Rather, as has been stated herein above, the said transfer deed dated 11.09.2025 (Annexure P-4) further demolishes the case of the petitioner, inasmuch as, the husband of the petitioner is shown to be an attesting witness and it is stated that he is a resident of House No.444/2, Village Kishangarh, Chandigarh, whereas, the property which has been transferred by the petitioner is situated at village Manimajra, U.T., Chandigarh. Thus, from the said document, it is not even remotely established that House No.444/2, Village Kishangarh, Chandigarh is agricultural land and rather the fact that there is a house i.e. House No.444/2, Village Kishangarh, Chandigarh is further established. Rather, from transfer deed dated 11.09.2025 (Annexure P-4), it is clear that the petitioner has another agricultural land in village Manimajra and instead of offering the same to the judgment debtor or to sell the same to satisfy the decree, the petitioner has chosen to transfer the same to her son. The petitioner has made every endeavour to delay the execution proceedings in violation of law laid down by the Hon'ble Supreme Court in ***Civil Appeal No.3640-3642 of 2025 (arising out of SLP (C) Nos.8490-8492 of 2020)*** in case titled as



“Periyammal (Dead) through LRs & Ors. Vs. Rajamani & Anr. etc.”,

whereby the Executing Court was directed to decide and dispose of the execution proceedings expeditiously within a period of six months.

11. Moreover, once the petitioner is not ready to pay the decretal amount as per the judgment and decree dated 04.02.2019 which has attained finality and the earlier objections filed by the petitioner had already been dismissed with cost vide order dated 15.04.2025, which order had not been challenged and even the detailed order dated 14.07.2025 vide which the second set of objections were also dismissed by the Executing Court has not been specifically challenged and also in view of the conduct of the petitioner of transferring one premises to her son, after the objections filed by the petitioner were dismissed, this Court is of the view that the ends of justice require that the impugned orders passed should not be interfered with.

12. The Hon'ble Supreme Court in the case of **“Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil”**, reported as (2010) 8 Supreme Court Cases 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it



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must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

13. Keeping in view the above, this Court is of the opinion that the impugned orders do not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned orders are upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

April 02, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes