



Sr. No.124+257 (01)

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

**CM-2901-CII-2026 in/and
CR-3396-2019 (O&M)
Date of decision: 24th February 2026**

SURINDER SINGH

.....Petitioner

versus

NIRMAL SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Onkar Singh, Advocate
for the petitioner.

Mr. Varun Garg, Advocate
for respondent No.1-Nirmal Singh
(through video conferencing).

HARPREET KAUR JEEWAN, J. (ORAL)

Main case

1. Challenge in the present Civil Revision filed by the JD-petitioner is to the correctness of the order of dismissal of the objection petition filed by him during the pendency of the execution petition filed by the decree holder. Challenge is also to the order, whereby, the sale warrants of the property of the JD have been issued.

2. As per the relevant facts in brief, the Civil Court passed an *ex parte* order dated 21.07.2004 against the defendants. During the pendency of the civil suit, Ranjit Kaur-defendant died and the decree is alleged to have been passed against a dead person. Balwinder Singh-JD No.1/respondent No.2, filed an application for setting aside the *ex parte*



order and *ex parte* judgment and decree. He also filed an appeal against the *ex parte* decree. The said appeal was dismissed vide judgment and decree dated 19.08.2013 (Annexure P-4) and even the application filed by Balwinder Singh-JD under Order 9 Rule 13 CPC was dismissed by the trial Court. The JD challenged the order passed by the First Appellate Court by way of filing a Regular Second Appeal. However, in the said Regular Second Appeal, the decree holder filed an execution petition before the Executing Court. During the pendency of the said execution petition, the objection petition filed on behalf of the JD-Ranjit Kaur through her legal heirs was dismissed by the trial Court by passing the impugned order dated 26.09.2018 (Annexure P-1). The sale warrants of the property of the legal heirs of the JD were ordered to be issued vide impugned order dated 12.11.2018 (Annexure P-2).

3. Today, an application bearing No.CM-2901-CII-2026 has been filed by the applicant-petitioner for placing on record the subsequent events.

4. Learned counsel for the petitioner contends that the dispute was pertaining to some personal relations *inter se* the parties. In terms of the interim order dated 17.07.2019, passed in the present petition, the petitioner has deposited the decretal amount in the Executing Court and he has no objection if the said amount is released to the decree holder. It has also been informed that after the deposit of the decretal amount, the Executing Court had issued notice to the decree holder for releasing the said amount. However, the decree holder stopped appearing before the



Court and ultimately, the execution petition was dismissed in default vide order dated 12.02.2020 (Annexure P-15).

4.1. It is further contended that on account of the subsequent events i.e. dismissal of the execution petition, the present petition has rendered infructuous since the interim orders passed during the execution petition have merged in the final order of dismissal of the execution petition.

5. *Per contra*, learned counsel for the respondent-decree holder contends that the present petition may be disposed of. However, liberty may be reserved in favour of the decree holder to file subsequent execution petition for recovery of the remaining amount, if any due.

6. I have considered the aforesaid submissions and perused the paper book.

7. Since the decreetal amount stands deposited and the decree holder did not pursue the present petition, resulting into the dismissal of the petition, as such, the impugned orders regarding the sale of property of the JD as well as the attachment of the property of the JD need to be set aside.

8. Consequently, the present Civil Revision is **allowed** and the impugned orders dated 26.09.2018 (Annexure P-1) and 12.11.2018 (Annexure P-2) are set aside.

9. However, the decree holder is at liberty to file an application before the Executing Court for release of the decreetal amount and the JD shall not raise any objection in the said release.



10. Liberty is also granted to the decree holder to file a fresh execution petition if any amount is still due and if so advised.
11. Pending miscellaneous applications stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

24th February 2026
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>