



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

160

CR-4741-2026

Date of decision: 01.07.2026

Mansukh (since deceased) through his LR

. . . . Petitioners

Vs.

Sh. Satish Rathi

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Randhir Singh Virk, Advocate, for the petitioners.

DEEPAK GUPTA, J. (ORAL)

Petitioners herein are the LR's of Mansukh, who was the sole defendant in Civil Suit *bearing CS No.109 of 2018* title *Satish Rathi Vs. Mansukh*, which was decreed on 02.08.2025 for specific performance. Defendant Mansukh was *ex parte* therein. The decree-holder *respondent herein* filed execution wherein the petitioners i.e. the LR's of JD-Mansukh filed objections on the ground that execution was not maintainable as decree was nullity having been passed *ex parte* by concealing material facts regarding the death of Mansukh.

2. However, perusal of the impugned order would reveal that defendant-Mansukh had been proceeded *ex parte* way back on 07.02.2018 and he had expired on 16.02.2025 i.e. after 7 years. During this long period of 7 years, no application was moved for setting aside the *ex parte* proceedings.

3. It is conceded by learned counsel that even no application has been moved under Order IX Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 02.08.2025 nor any appeal has been filed against the said judgment and decree.

4. In the aforesaid circumstances, the Executing Court did not commit any error in dismissing the objections.
5. Accordingly, the present petition is dismissed being devoid of any merit.

01.07.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>