



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

(122)

CR-1116-2026 (O&M)
Date of Decision:14.05.2026

VINOD KUMAR

... Petitioner

Versus

PARVESH RANI AND OTHERS

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Parveen Chauhan, Advocate
for the petitioner.

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VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been instituted under Article 227 of the Constitution of India invoking the supervisory jurisdiction of this Court to assail the legality and propriety of order dated 06.09.2025 (**Annexure P-6**) passed by the learned Executing Court, whereby the execution petition preferred by the petitioner came to be dismissed as not maintainable. The learned Executing Court has proceeded on the premise that the decree for specific performance of the agreement to sell had already stood fully satisfied and executed in favour of the petitioner and against respondent Nos.2 and 3.

2. At the outset, the factual matrix of the case is that respondent No.1 had earlier filed objections in the capacity of a third-party objector, which objections were dismissed by the learned Executing Court vide order dated 11.01.2017. Two separate appeals were thereafter preferred



against the said order. The appeal filed by respondent No.1, along with the connected appeal filed by respondent No.2, was dismissed vide order dated 15.05.2017. Aggrieved thereof, respondent No.1 preferred an Execution Second Appeal before this Court, which came to be disposed of vide order dated 28.07.2017 in view of the statement suffered by respondent No.1 before this Court. However, respondent No.1 failed to comply with the directions embodied in the aforesaid order dated 28.07.2017, thereby committing willful disobedience thereof, compelling the petitioner to institute **COCp-3038-2017**. The said contempt petition was subsequently withdrawn vide order dated 27.10.2017 with liberty reserved to the petitioner to avail appropriate remedies before the learned Executing Court.

2.1. During the course of execution proceedings, possession of the decretal property was purportedly handed over to the petitioner by respondent No.2, as reflected from the Bailiff's report dated 01.03.2018. Consequently, the execution petition was disposed of as satisfied on the basis of the Bailiff's report as well as the statement made by learned counsel appearing for the decree-holder. However, notwithstanding the said satisfaction of the execution proceedings, respondent No.1 continued to remain in unauthorized possession of a portion of the house in question. The petitioner, on humanitarian considerations, permitted respondent No.1 to continue in occupation for a limited period; however, despite repeated requests, possession was not restored. Consequently, the petitioner was constrained to institute a **second execution petition bearing No.308 of**



2023 seeking enforcement of the decree qua the remaining portion still under illegal occupation of respondent No.1.

2.2. The learned Executing Court, vide the impugned order, dismissed the subsequent execution petition on the ground that the original decree had already been fully satisfied and executed and, therefore, a second execution petition was not maintainable, further observing that a fresh cause of action, if any, had accrued in favour of the petitioner.

3. Aggrieved by the aforesaid order passed by the learned Executing Court, the petitioner has approached this Court by way of the present revision petition.

4. I have heard learned counsel for the petitioner at considerable length and have meticulously perused the paper-book as well as the material placed on record with his able assistance.

5. Learned counsel for the petitioner contended that the petitioner, acting *bona fide* and upon the assurance extended by respondent No.1, made a statement before the learned Executing Court for withdrawal/disposal of the earlier execution proceedings with a view to avoid unnecessary prolongation of litigation and to save valuable judicial time. It is submitted that, despite the said concession, respondent No.1 continued to remain in unauthorized and illegal possession of a portion of the decretal property, thereby causing grave prejudice to the rights and interests of the petitioner-decree holder. It has further been contended that the objections preferred by respondent No.1 had already attained finality upon dismissal and, therefore, the subsequent execution petition instituted by the petitioner was legally maintainable for securing complete and



effective possession in terms of the very same decree. According to the petitioner, the learned Executing Court has committed a material illegality and jurisdictional error in dismissing the second execution petition on the erroneous premise that the decree already stood fully satisfied.

6. The learned Executing Court, while dismissing the execution petition, has categorically recorded a finding that, as per the Bailiff's report submitted in pursuance of the warrants of possession, the objectors had delivered vacant possession of the property in question to the decree-holder. It has further been noticed that learned counsel appearing on behalf of the decree-holder had also suffered a statement acknowledging delivery of possession and, accordingly, vide order dated 01.03.2018, the execution petition was disposed of as fully satisfied. The learned Executing Court thereafter concluded that once vacant possession had been delivered in execution of the decree and the decree-holder himself had acknowledged such delivery before the Court, the decree and judgment dated 09.04.2014 stood completely satisfied and exhausted.

6.1. The learned Executing Court further observed that any subsequent dispute regarding possession between the decree-holder and respondent No.1/objector would constitute a fresh cause of action, for which the petitioner would be at liberty to avail remedies in accordance with law before the competent forum. Upon an overall consideration of the material available on record, the learned Executing Court rightly held that, once the decree had been fully executed through due process of law and possession had been formally delivered to the decree-holder, nothing further survived for execution under the same decree. Consequently, in the



eventuality that the petitioner-decree holder subsequently lost possession of any portion of the property, the remedy would not lie in filing a second execution petition founded upon a decree already satisfied.

6.2. The plea raised by the petitioner that the earlier statement regarding delivery of possession was made under a mistaken belief or that respondent No.1 had merely been permitted to remain in occupation on humanitarian considerations does not inspire confidence and is wholly unworthy of acceptance. Once the petitioner, in judicial proceedings, unequivocally admitted delivery of possession pursuant to lawful execution proceedings, he cannot subsequently be permitted to approbate and reprobate by contending that possession had, in fact, not been delivered. Such a plea strikes at the sanctity and finality of judicial proceedings and cannot be countenanced in law.

6.3. In view of the foregoing discussion, this Court finds no illegality, perversity, or jurisdictional infirmity in the impugned order passed by the learned Executing Court. Consequently, finding no merit in the present revision petition, the same is hereby **dismissed**.

7. It is, however, clarified that the observations recorded here-in-above are confined exclusively to the adjudication of the present revision petition and shall not be construed as an expression of opinion on the merits of the underlying dispute between the parties. The findings returned in the present proceedings are limited to the controversy examined for the purposes of adjudication of the instant petition alone. Nothing contained in this order shall prejudice, influence, or affect the rights, claims, or contentions of either party in any pending or future proceedings, nor shall



the same be treated as a conclusive determination of any substantive issue of fact or law arising in the principal matter.

8. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, shall also stand disposed of accordingly. No separate or further orders are required to be passed in respect thereof.

14.05.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No