

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 25054/2025
CNR: RJHC011167772025 | URN: CW / 45681U / 2025

Mangilal S/o Jagdish Kulmo, Aged About 63 Years, R/o Karanpur,
Tehsil Vallabh Nagar, District Udaipur.

-----Petitioner

Versus

1. Dalla S/o Dhanna Ji Dangi, R/o Dagaliyon Ki Magri, Tehsil Girwa, District Udaipur.
2. Himmatlal S/o Ambalal Bhoi, R/o Dhabai Ji Ka Pula, Tehsil Girwa, District Udaipur.
3. Pawan Singhal S/o Shantilal Ji Singhal, R/o 216, Hiran Magri, Sector-11, Udaipur.
4. Chetan Maheshwari S/o Vinod Maheshwari, R/o Juna Bazar, Imam Bada, Chittorgarh.
5. Sunil Chelawat S/o Shantilal Chelawat, R/o Adinath Nagar, Behind Galaxy Apartment, Fatehpura, Udaipur.

-----Respondents

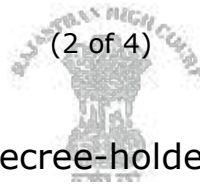
For Petitioner(s)	:	Mr. Suresh Shrimali Mr. Rishabh Shrimali
For Respondent(s)	:	Mr. Prashant Tatia

HON'BLE MR. JUSTICE FARJAND ALI

Order

04/08/2026

1. The present writ petition challenges the order dated 14.10.2025 passed by the learned District Judge, Udaipur in Execution Proceeding No. 22/2025, whereby the execution proceeding was moved at the instance of the transferee in



whose favour the decree-holder had allegedly made an assignment for execution of the decree.

2. The petitioner is aggrieved by the manner in which the order under challenge has been passed, particularly by incorporating therein the fact that no legal objection was raised on behalf of the judgment-debtor.

3. I have heard learned counsel for the petitioner, Mr. Suresh Shrimali, and Mr. Prashant Tatia, appearing for the respondent-decree-holder, and have gone through the impugned order as also the other material available on record, particularly the legal provisions governing the matter.

4. Order XXI Rule 16 of the Code of Civil Procedure, 1908 (CPC) envisages transfer of a decree by the decree-holder either by assignment in writing or by operation of law. In such a case, the transferee may apply for execution of the decree to the Court which passed the decree. The proviso thereto provides that where the decree has been transferred by assignment, it is imperative upon the Civil Judge to issue notice to the transferor as well as to the judgment-debtor, and the decree shall not be executed until the Court has heard their objections, if any, with regard to the execution of the decree.

5. In the present case, Annexure-9 is an application dated 29.09.2025 wherein the judgment-debtor has raised serious objections regarding the eligibility and entitlement of the applicants, namely, Pawan Singhal, Chetan Maheshwari and

Sunil Chelawat, to seek execution in place of the decree-holder Dalla etc., who were the plaintiff-decree-holders. Paragraphs 2, 3 and 4 thereof, according to the judgment-debtor, contained his legal objections. I am of the considered view that the learned Judge ought to have decided and adjudicated upon the objections raised on behalf of the judgment-debtor. However, in a glaring error, the learned Judge has mentioned in the third line of the order dated 14.10.2025 that no legal objections were produced by the judgment-debtor.

6. When the written application itself was on the record of the Court, it is difficult to comprehend how the learned District Judge could have failed to take note of the same and incorporate such an incorrect fact in the order. Since the proviso to Order XXI Rule 16 CPC makes it imperative upon the Civil Judge to hear the parties on the objections, if any, raised by them, and the same has not been done in the present case, the impugned order is patently perfunctory and not in accordance with law. Consequently, the same cannot be sustained.

7. Accordingly, the writ petition is disposed of. The impugned order dated 14.10.2025 is set aside. The matter is remanded back to the learned District Judge, Udaipur, with a direction to restore Civil Execution No. 22/2025 to its original number, whereupon the parties, namely, the decree-holder, the



transferee in whose favour the assignment was allegedly made, as well as the judgment-debtor, shall be heard and a fresh order shall be passed in accordance with law.

8. Needless to say, the learned District Judge is expected to hear the judgment-debtor on the objections raised by him, and a reasoned and speaking order shall be passed as expeditiously as possible, preferably within a period of 45 days from the date of receipt of a copy of this order. The parties are directed to appear before the learned District Judge along with a copy of this order on 17.08.2026. They may appear either personally or through their respective pleaders.

9. It is made clear that no adjournment on flimsy pretexts or procrastination on the part of any of the parties shall be granted.

(FARJAND ALI),J