

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
120 CR-2566-2023 (O&M)
Date of decision: 27.04.2023

Raj Singh & Another

...Petitioner(s)

Vs.

Mohinder Kaur

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gaganvir Singh Gill, Advocate
for the petitioners.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the petitioners/judgment debtors seeking setting aside of order dated 03.04.2023 (Annexure P6) passed by learned Civil Judge (Junior Division), Patiala in Execution Petition No.EXE/102/2020 titled as "Mohinder Kaur Vs. Raj Singh & Another" whereby objections filed by petitioners/judgment debtors (Annexure P3) were dismissed, and warrants of possession of house of the petitioners has been issued.

2. At the very outset, it is admitted by learned counsel for the petitioners that Suit filed by respondent/plaintiff/decreed holder in the present case bearing No.140 of 06.08.2014 titled as "Mohinder Kaur Vs. Raj Singh & Another" has been decreed by learned Civil Judge (Junior Division), Patiala vide judgment and decree under execution viz dated 18.12.2019 (Annexure P1). It is also admitted that vide the said judgment and decree under execution, even consolidated Suit No.42 of 10.02.2016 filed by the petitioners titled as "Raj Singh Vs. Mohinder Kaur

& Others” has been simultaneously dismissed. It is admitted that appeal filed by the petitioners against said judgment and decree has been dismissed-in-default by learned Additional District Judge, Patiala vide order dated 17.11.2022 (Annexure P2).

3. The only submission made on behalf of the petitioners is that the decree under execution cannot be executed as sale deed dated 13.01.2011 and 24.08.2012 are sham documents having no binding force in the eyes of law. It is submitted that petitioner No.1/judgment debtor No.1 never executed any sale deed in favour of the decree holder at any point of time but has executed a mortgage deed of 8 biswas of share of their house along with his brother on 13.01.2011 in favour of one Sukhwinder Singh at the time of receiving loan amount of Rs.4,50,000/-. It is further submitted that the petitioners are in the process of filing for restoration of their Appeal.

4. Heard learned counsel. In my view, all the points and issues now sought to be raised by learned counsel for the petitioners, already stand adjudicated upon by the learned trial Court. These can be agitated by the petitioners in an appeal, and not before this Court in proceedings emanating from execution of the judgment and decree at hand. Learned counsel for the petitioners is attempting to agitate points and raise objections which already stand adjudicated in the main Civil Suit which has already been decreed in favour of the respondent. Needless to say, learned Executing Court cannot go beyond the decree

or behind it. Accordingly, I find no ground is made out to interfere in the impugned order.

- 5. Present Revision Petition accordingly stands **dismissed**.
- 6. Pending application(s) if any also stand(s) disposed of.

27.04.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No