



CR-6135-2025 (O&M)

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

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**CR-6135-2025 (O&M)
Decided on :- 15.09.2025**

Alisher

....Petitioner

VERSUS

Mehmood (now deceased) through LRs

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mohd. Salim, Advocate for the petitioners.

Mr. Yashvardhan Goyal, Advocate for respondents No.1(i) and 1(ii).

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MANDEEP PANNU J.

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 25.07.2025 passed by the learned Civil Judge (Junior Division), Nuh, whereby the application filed by the petitioners/JDs for setting aside the ex parte order dated 19.05.2025 passed in the execution proceedings has been dismissed.

2. The background of the case is that respondent Mehmood filed a suit for possession by way of specific performance of contract and consequential injunction regarding the agricultural land mentioned in the plaint. The suit was dismissed on 17.09.2015, but the appeal filed by the respondent was accepted on 18.12.2016. Execution proceedings were thereafter initiated by the decree-holder. On 19.05.2025, when the matter was taken up, the JDs failed to appear and were proceeded against ex parte. The petitioners thereafter moved an application for



setting aside the said order. It was explained that their absence was neither intentional nor deliberate and that they wished to contest the proceedings.

3. The respondents opposed the application on the ground that the JDs were in the habit of delaying the matter and that they had earlier also been proceeded against ex parte. It was contended that the executing Court committed no error in refusing to recall the order dated 19.05.2025.

4. Having considered the rival submissions, I find that the Executing Court was justified in proceeding against the JD's ex parte on 19.05.2025 in view of his absence on that date. However, the question remains whether he should be deprived altogether of participating in the execution proceedings. It is settled principle that even after being proceeded against ex parte, a judgment-debtor has a right to join the proceedings at a later stage, though without disturbing the steps already taken in his absence. The purpose of ex parte proceedings is not to permanently shut out a party but to ensure continuity of proceedings without obstruction.

5. In the present case, the petitioner moved an application promptly after being proceeded ex parte, seeking permission to participate. In my view, in the interest of justice, the petitioners/JDs should be permitted to join the execution proceedings from the date of filing of their application. At the same time, all steps already undertaken in execution prior to that date shall remain undisturbed. This strikes a balance between the decree-holder's right to expeditious execution and the judgment-debtor's right to be heard.

6. Accordingly, the impugned order dated 25.07.2025 is modified. The ex parte order dated 19.05.2025 shall stand, but the petitioner/JD is permitted to join the execution proceedings from the date of his application for recalling the ex



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parte order. The Executing Court shall now proceed with the execution after affording opportunity to both parties, subject to the above limitation.

7. Pending application(s), if any, also stand disposed of.

September 15, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No