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

(125)

CR-1624-2025

Date of decision: - 19.03.2025

Sagar Singh

...Petitioner

Versus

M/s Bindal Smelting Pvt. Ltd. and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kushagra Beniwal, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India read with Section 151 CPC with a prayer for setting aside the impugned order dated 17.02.2025 (Annexure P-8) passed by the Civil Judge (Senior Division), Kurukshetra in EXE-95 of 2018 dated 11.04.2018 titled as "Bindal Smelting Pvt. Ltd. Vs. Sagar Power Products" (Annexure P-3) vide which the objections (Annexure P-6) filed by the petitioner/judgment debtor have been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner is not the partner of M/s Sagar Power Products against whom the judgment and decree dated 22.05.2017 has been passed and is thus, not a judgment debtor and the execution against the petitioner is not maintainable. It is further submitted that the objection to the said effect



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filed by the petitioner in the execution proceedings was meritorious and the impugned order rejecting the said objection of the petitioner deserves to be set aside.

3. This Court has heard learned counsel for the petitioner and has perused the paper-book and is of the opinion that the impugned order dated 17.02.2025 (Annexure P-8) passed by the Civil Judge (Senior Division), Kurukshetra, is in accordance with law and deserves to be upheld for the reasons stated hereinafter.

4. It is not in dispute that the execution was filed in pursuance of the judgment dated 22.05.2017 passed in Civil Suit No.979 of 2016 and the same was to execute the decree for a sum of Rs.28,10,131/- in favour of the plaintiff/respondent No.1/decree holder. Interest was also awarded on the said amount. In the execution proceedings, Sh. Dev Raj, Advocate, appeared on behalf of the petitioner and the case was adjourned at the request of counsel for the petitioner for making payment. Thereafter, conditional warrant of arrest was issued against the present petitioner and he was arrested and produced before the Court on 15.09.2021 and after passing a detailed order, the petitioner was committed to civil prison for 30 days. The petitioner thereafter filed Civil Revision No.2197 of 2021, in which, the Co-ordinate Bench of this Court had passed the following order on 29.09.2022: -

“1. The petitioner herein is a judgment debtor. Pursuant to the order passed by the Executing Court, he has already suffered incarceration for a period of around 20 days in the civil imprisonment. The petitioner is stated to be the owner of the



immovable property located in Khewat No. 567, Revenue Estate of village Darra Khurd, Tehsil Thanesar, District Kurukshetra.

2. *The learned counsel representing the petitioner has no objection if the Executing Court, in order to satisfy the decree through Court, auctions the appropriate portion of the property.*

3. *Keeping in view the aforesaid facts, the impugned order dated 15.09.2021, passed by the Executing Court sending the petitioner to civil imprisonment is set aside while allowing the revision petition. The Executing Court is directed to proceed with the execution petition by auctioning an appropriate portion of the property to satisfy the decree.*

4. *The miscellaneous application(s) pending, if any, shall stand disposed of.*

September 29, 2022

A perusal of the above order would show that the fact that the petitioner was a judgment debtor was duly recorded and the counsel representing the petitioner had made a statement that he had no objection in case the Executing Court, in order to satisfy the decree, through Court auctions the property owned by the petitioner and thus, in view of the said statement, the order dated 15.09.2021 sending the petitioner to civil imprisonment was set aside and a further direction was given to the Executing Court to proceed with the execution petition by auctioning an appropriate portion of the property, details of which had been given by counsel for the petitioner, to satisfy the decree.

5. It is not in dispute that the abovesaid order has attained finality. In spite of the same and after taking the benefit of the said order, the petitioner has filed frivolous objections raising the plea contrary to the arguments raised before the Co-ordinate Bench of this Court. The said

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objections were dismissed by the trial Court vide order dated 17.02.2025 after taking into consideration the order passed by the Co-ordinate Bench of this Court in the above-said revision petition and also after observing that the petitioner cannot now take a U-turn by taking a totally contradictory stand from his earlier stand in the said civil revision petition. The said order is thus, in accordance with law. Moreover, the petitioner has made every effort to delay the execution proceedings and after having argued before the Co-ordinate Bench of this Court that he had no objection in case the executing Court were to satisfy the decree by auctioning the property owned by him, the petitioner has now chosen to file the objections raising a contradictory plea, which is not permissible.

6. Keeping in view the above-said facts and circumstances, this Court is of the view that the impugned order has been correctly passed and deserves to be upheld and the revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

March 19, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes