



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CR No. 6478 of 2025 (O&M)

Date of Decision : 12.09.2025

Sohan Singh and another

...Petitioners

Versus

Gani Khan (since deceased) through LR Hasan Ali and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Rahul Soi, Advocate for the petitioners.

Amarinder Singh Grewal, J.

1. The prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 17.02.2021 (Annexure P-7) passed by the learned Civil Judge (Junior Division), Nabha in Execution No. EXE-8-2020 titled *Gani Khan and others vs. Maghar Khan and others*, whereby notice in the execution application was issued to the judgment-debtors.

2. Challenge has also been laid to the impugned order dated 01.09.2025 (Annexure P-10) passed by the learned Additional Civil Judge (Senior Division), Nabha in Execution No. EXE-8-2020 titled *Gani Khan and others vs. Maghar Khan and others*, whereby the third-party objections filed by the petitioners were dismissed.

3. Briefly, the facts of the case are that respondent–Gani Khan had filed a suit for partition i.e. application for passing final decree of partition



and delivering separate possession to the applicants-plaintiffs before the learned Civil Judge (Junior Division), Nabha, against the petitioners-defendants, Maghar Khan and others. In the said suit, the defendants, were proceeded against *ex parte*, and accordingly, a preliminary decree was passed by the learned Civil Judge (Junior Division), Nabha, vide judgment dated 09.09.2004 (Annexure P-2). In consequence thereof, a final decree was passed in respect of the suit property.

4. During the course of execution proceedings, third-party objections were filed by the petitioners, namely Sohan Singh and Rameshwar Singh. After considering the reply of the decree-holders, the said objections were dismissed vide order dated 01.09.2025 (Annexure P-10).

5. Learned counsel for the petitioners submits that though the execution application was filed before the learned Civil Judge (Junior Division), Nabha, yet vide impugned order dated 17.02.2021 (Annexure P-7), the learned Additional Civil Judge (Senior Division), Nabha observed that no stay order had been received from the Appellate Court, and accordingly, the execution application was registered and notice was issued to the judgment-debtors for 22.03.2021. Learned counsel for the petitioners argues that the said execution application is nonest and *void ab initio*, as the judgment dated 27.08.2019 (Annexure P-4), which is under execution, is not supported by any decree sheet. He further submits that in the absence of a decree sheet, no execution could be initiated and no notice could be issued.

6. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondent.



7. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

8. Keeping in view the facts and circumstances of the present case, as observed above and after hearing learned counsel for the petitioners, this Court is of the considered opinion that the said objections pertain to an irregularity, if any, in the execution proceedings, which is curable before the executing Court itself. The learned Executing Court is fully competent to rectify such defects. No jurisdictional error or material illegality is made out warranting interference under Article 227 of the Constitution of India.

9. Accordingly, this Court finds no merit in the prayer for setting-aside the order dated 17.02.2021 (Annexure P-7) passed by the learned Additional Civil Judge (Sr. Divn.), Nabha. Finding no illegality therein, the present revision petition, being devoid of merit, is hereby dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

September 12, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No