



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

CR-6137-2025

Date of Decision: 08.09.2025

RAKESH AND ANR

....Petitioners

Versus

SUMAN DEVI AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Tapan Kumar, Advocate and
Ms. Gursimrat Sandhu, Advocate
for the petitioners.

Parmod Goyal, J. (Oral)

Present petition has been preferred by the judgment debtors being aggrieved by order dated 20.05.2025 (Annexure P-5), passed by learned Civil Judge Junior Division, Gurugram. Vide impugned order dated 20.05.2025, four of the immovable properties belonging to judgment debtors were ordered to be attached for execution of decree in favour of decree holders.

2. Learned counsel for the petitioners has challenged the impugned order on the ground that two of the original plaintiffs had withdrawn their suit on the basis of compromise and therefore, the execution is not maintainable. The second ground taken by judgment debtors/petitioners against the attachment is that properties have not been valued and without taking into consideration existence of house of judgment debtors and without identifying the properties, they have been attached and



are being put to sale.

3. On consideration, I find that none of the argument taken by learned counsel for petitioners, merits acceptance. Neither executing Court, nor this Court can go beyond the judgment and decree passed against judgment debtors. Judgment and decree dated 15.07.2024, which is being executed in the present execution can only be challenged by way of appeal which admittedly judgment debtors have preferred and is pending consideration before the First Appellate Court. Therefore, whether decree holders have been rightly held entitled to rendition of accounts or not, same cannot be gone into by the executing Court or by this Court.

4. Similarly, the objection that properties were not valued, is not identifiable and therefore, cannot be attached again is without any merit. Perusal of order dated 14.07.2025 (Annexure P-7), attached with the revision petition clearly goes to show that revenue authorities could only identify properties No.1 and 2 (listed in impugned order) and had accordingly attached the said properties alone. Properties No.3 and 4 detailed by decree holders were not attached, due to the reasons that specific number of plots have not been mentioned by the decree holders. Decree holders had undertaken to furnish identity of aforesaid plots, therefore, from the subsequent orders specially order dated 14.07.2025, despite order of attachment of four plots out of five plots as prayed by decree holders, only two have been attached in the execution proceedings. As far as remaining two plots are concerned, which are ordered to be attached vide order dated 20.05.2025 (Annexure P-5), their proper identity is required to be disclosed



by the decree holders and thereafter, they shall be attached in due course.

5. There is nothing wrong with the process adopted by the executing Court in the attachment of properties No.1 and 2, which have been duly mentioned clearly by decree holders and nothing has been shown adverse, as to how these properties cannot be attached by the executing Court. The properties No.1 and 2 as mentioned in order dated 20.05.2025 (Annexure P-5), therefore, have been correctly attached in accordance with law and can be put to sale for recovery of decretal amount. It is however, made clear that executing Court shall take steps to ensure auction of property is taken one by one and in case decretal amount is recovered from auction of first property, then the second property be not put to auction.

6. Learned counsel for the petitioners has placed reliance upon the judgment of Hon'ble Supreme Court Court in *Sai Enterprises Versus Bhimreddy Laxmaiah and Another*, 2007(13) SCC 576 and judgment of Kerala High Court in *Fathima Beevi Versus Joly John*, 2022 AIR CC 1172, however, none of the judgments is of any help to the case of judgment debtors as proposition of law mentioned therein is not in dispute. It is not in dispute that Court can sell only such portion of property as is necessary to satisfy the decree. This has been duly taken care by this Court by directing the executing Court to ensure sale of property one by one and not to sell property beyond decretal amount.

7. Similarly, as far as fixation of reserve price is concerned, said stage is yet to arrive. It is only on approval of auction and after due evaluation of property, the executing Court needs to fix reserve price and put

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the same to auction in accordance with the provisions of law. Valuation of property is a step to be taken up at the time of fixing auction.

8. No merit in the revision petition is made out, hence, the same is dismissed.

08.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No