



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CR-5839-2025

Date of Decision:-27.08.2025

KAMAL HUSSAIN

... Petitioner

Versus

MOHD. ALI

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vinay Kumar Begra, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This revision petition under Article 227 of the Constitution of India has been directed against order dated 13.08.2025, vide which, the defence of the petitioner was struck off and warrant of attachment of the property was passed by the Executing Court. The order has been assailed on the ground that the objection petition was ready and the counsel was to obtain the signatures. Petitioner resides in Panchkula and is employed in a private shop, whereas, execution proceedings are going on in Bilaspur. Counsel requested the Executing Court to adjourn the case but request was declined. RSA of the petitioner is also pending against the judgment and decree dated 26.10.2021. In case, the impugned order is not set aside, it would cause material prejudice to the petitioner.

2. I have gone through the impugned order (Annexure P2), wherein it has been specifically recorded that objections have not been filed and judgment debtor has availed so many effective opportunities including last opportunity for filing objections, so, there is no justification in granting any more opportunity to the judgment debtor for filing objections.



3. Perusal of the case history shows that petitioner has been granted adjournments on 30.05.2024, 12.08.2024, 07.10.2024, 16.12.2024, 09.01.2025, 24.01.2025 for filing of objections and even subsequent to that on 04.08.2025.

4. There is no provision in CPC, wherein the execution petition is required to be adjourned for judgment debtor to move objection petition. The Court has granted judgment debtor enough indulgence for a period of more than six months, whereas, as per the directions issued by Apex Court, the execution proceedings are required to be disposed of expeditiously in six months, so, there is no material illegality committed by the Executing Court, while closing the opportunity for the petitioner/judgment debtor to file objection petition and in proceeding further with the execution of the decree. As such, finding no merits in the revision petition and the same is dismissed accordingly.

27.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No