



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

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CR-3196-2025

Date of Decision.:23.05.2025

Ramesh Kumar

.....Petitioner

Vs.

Bearing Union Christian College, Association
Batala through its Secretary and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Simranjit Singh, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this revision filed under Article 227 of Constitution of India, petitioner, who is third party objector, assails the order dated 14.05.2025 (*Annexure P-10*) passed by Executing Court of learned Additional Civil Judge (Senior Division), Batala, whereby his objections have been rejected.

2. It is contended by learned counsel that decree in favour of the decree-holder/respondent was passed wayback in 16.05.2002. The earlier execution filed by the decree-holder was dismissed for non-compliance of depositing of Munadi fee on 28.03.2014 and therefore, the present execution, having been filed beyond 12 years from the date of decree was beyond limitation.

3. Though no formal notice of motion was issued to the respondent/decreed-holder but Mr. Vaibhav Sehgal, Advocate has put in appearance on behalf of the said decree-holder and submits that petitioner has concealed material facts from the Court, inasmuch as earlier objections filed by him were dismissed by the Executing Court on 22.01.2015. Appeal

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preferred by him before this Court was dismissed as withdrawn. He preferred an appeal under Section 96 CPC, which was dismissed by learned Additional District Judge, Gurdaspur on 23.04.2019 and attained finality. Even the subsequent objections filed by the objector were dismissed on 21.08.2024.

4. Learned counsel for the petitioner could not controvert the aforesaid facts. It will be relevant to reproduce the observations as made by the Executing Court in the impugned order which reads as under:

“So, considering such pleadings, when the Court has gone through the judicial file considering arguments of Ld. counsel for DH, it was transpired that the objector is clearly the guilty of concealing the true facts as objector adopted one after another method to delay the execution of the said decree. In this regard, firstly objector Ramesh Kumar is guilty of concealing of fact that his earlier objection were dismissed by the Court of Ms. Amita Singh, then then Ld. Civil Judge (Sr. Division) Batala vide order dated 22.01.2014. He is thereafter guilty of concealing the fate of revision preferred before Hon'ble Punjab and Haryana High Court, Chandigarh, which was withdrew on 12.03.2014. He is also guilty of concealing material facts that his appeal under section 96 CPC in CM No.23 of 12.02.2019 preferred in CA-71-2019 was dismissed on 23.04.2019 by the Court of Sh. Jatinder Pal Singh Khurmi, the then Ld. Addl. District Judge, Gurdaspur, copy of which order is also part of the file.

Apart from these facts, objector Ramesh Kumar is also guilty of concealing most important fact regarding the dismissal of his earlier objections vide order dated 21.08.2024 by Learned Predecessor of this Court. So, apparently Ramesh Kumar, Objector has left not stone unturned to hold further proceedings of the present lis without having any merit in his objections. The non-advancement of arguments despite getting more than 5 effective opportunities after filing of present objections by said objector and the conduct of objector Ramesh Kumar to further delay the proceedings today itself speaks volume about it. Making it clear that

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dismissal of execution on technical ground as referred in the present objections by objector Ramesh Kumar, cannot be a ground to decline execution filed later on, particularly when without referring an iota of this fact, earlier objections were filed.”

5. The observations as made above by learned Executing Court speak volumes about the conduct of the petitioner, who is found to be not only guilty of concealing numerous material facts including the dismissal of his earlier objections but also the fact that how and in what manner, he has been adopting all possible tactics to delay the proceedings.

6. This Court does not find any illegality or perversity in the impugned order, calling for any interference and rather, that the present revision is found to be yet another attempt made by the petitioner to delay the disposal of the execution. Considering all these circumstances, present petition is hereby dismissed with special costs of ₹50,000/-, payable by the petitioner to the respondent/decree-holder.

(DEEPAK GUPTA)
JUDGE

May 23, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No