



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

(123)

CR-5310-2025

Date of Decision:-18.08.2025

Mahesh Kumar (since deceased) represent through his LRs

.....Petitioner

Versus

Rekha Rani and Another

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH  
GREWAL**

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Present: Mr. Rahul Vijay Singh Chugh, Advocate, for  
Mr. Harpreet Kaur Arora, Advocate,  
for the petitioners.

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**AMARINDER SINGH GREWAL, J. (Oral)**

The present Civil Revision has been filed under *Article 227 of the Constitution of India* for setting aside the impugned order dated 24.03.2025 (Annexure P-7) passed by the learned Additional Civil Judge (Senior Division), Ferozepur in Execution Petition No. 347 of 2024 titled as Rekha Rani Versus Mahesh Kumar etc. vide which the warrants of attachment of property of the petitioner were issued and impugned order dated 01.07.2025 (Annexure P-8) vide which the sale warrants of the property has been issued.

2. Learned counsel for the petitioners submits that during the pendency of the execution proceedings, petitioner/judgment debtor Mahesh Kumar expired. Despite this fact, no notice was issued to his legal representatives. It is further submitted that the property of Mahesh Kumar,

which was earlier ordered to be attached, actually belongs to the Cantonment Board.

3. Learned counsel has drawn attention to the interim order dated 26.11.2019 (Annexure P-2), wherein it was categorically observed by the learned trial Court that one property bearing House No. 59-A, Ghumhar Mandi, Ferozpur Cantt. had been attached. Vide order dated 05.09.2019 (Annexure P-14), the report of the Cantonment Board was called with regard to the ownership of the said property. A certified copy of the GLR has been placed on record, which reveals that the said property belongs to the Cantonment Board. No NOC, as required under the relevant rules, has been filed by the decree-holder. Therefore, the said property could not have been ordered to be sold in execution.

4. Learned counsel has further pointed out that despite these observations, the learned Executing Court has proceeded to direct sale of the said property. It is also submitted that the judgment debtor Mahesh Kumar having expired, his legal representatives are required to be impleaded and given an opportunity to contest the issue of attachment and sale of the property.

5. It is also contended that the impugned orders dated 24.03.2025 (Annexure P-7) and 01.07.2025 (Annexure P-8) are liable to be stayed, as the date fixed for the proposed sale is 22.09.2025.

6. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent.

7. Having heard learned counsel for the petitioners and upon perusal of the record, this Court finds substance in the submission that since

the judgment debtor Mahesh Kumar has expired, his legal representatives are entitled to an opportunity to contest the execution proceedings, particularly in relation to the attachment and proposed sale of the property in question.

8. Accordingly, one effective opportunity is granted to the legal representatives of deceased petitioner–Mahesh Kumar to contest the execution petition pending before the Court of the learned Additional Civil Judge (Senior Division), Ferozpur, in accordance with law. Till then, the proposed auction/sale of the property fixed for 22.09.2025 shall remain stayed

9. Accordingly, the present revision petition, stands allowed.

10. Pending application(s), if any, also stand disposed of.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**18.08.2025**

*Shubham*

Whether speaking/reasoned:- Yes/No  
Whether Reportable:- Yes/No