



CR-6175-2025 (O&amp;M)

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

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**CR-6175-2025 (O&M)  
Decided on :- 08.09.2025**

Jasbir Singh

...Petitioner

VERSUS

Ajit and Others

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Tanmoy Gupta, Advocate for the petitioner.

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**MANDEEP PANNU J.**

1. The present civil revision has been preferred by the petitioner/deGREE holder assailing the order dated 04.08.2025 passed by the learned Civil Judge (Junior Division), Gurugram (hereinafter referred to as, 'the Executing Court'), whereby the application filed by the petitioner for restoration of his execution petition was not decided finally but the matter was adjourned to 03.11.2025 for obtaining the report of the Ahlmad regarding the status of the execution petition.

**Brief Facts**

2. The material facts are not in dispute. The petitioner/deGREE holder had filed a suit for possession by way of partition against the respondents/judgment debtors. The said suit was decreed by judgment and decree dated 30.08.2022, whereby the shares of the parties were specified and a preliminary decree was passed. The matter was thereafter adjourned to 04.10.2022 for preparation of the mode of partition. The Halqa Girdawar was appointed as Local Commissioner.

3. The judgment debtors moved an application under Order IX Rule 13 CPC for setting aside the decree dated 30.08.2022 and also filed an application



under Order XXI Rule 29 CPC for stay of the execution. Both applications were dismissed. Warrants of possession were issued on 13.02.2024 for delivery on 22.02.2024. Objections to the mode of partition filed by the judgment debtors were also dismissed.

4. Vide order dated 11.07.2024, the Executing Court directed the Halqa Girdawar to visit the spot with relevant records to deliver possession to the decree holder and also directed the SHO to provide police aid if required. The matter was adjourned to 29.07.2024 for report.

5. During this period, a Panchayat was convened on 22.07.2024 and a settlement was arrived at. However, the judgment debtors backed out from the settlement. On 29.07.2024, the judgment debtors made a statement in Court that they would deliver possession as per the decree within one year, failing which they would be liable to pay ₹20,00,000/- to the petitioner, treating it as part of the decree. The petitioner also made his statement. On that basis, the execution petition was consigned to the record room with liberty to restore in case of default.

6. Admittedly, the decree has not been complied with, nor possession delivered till 01.08.2025. The decree holder, therefore, filed an application dated 04.08.2025 seeking restoration of the execution petition. Instead of directing immediate execution of the decree, the Executing Court passed the impugned order dated 04.08.2025, adjourning the case to 03.11.2025 for obtaining the report of the Ahlmad and summoning the main file.

**Submissions of learned counsel for the petitioner**

7. Learned counsel for the petitioner contended that once the judgment debtors had failed to deliver possession by 01.08.2025, the Executing Court ought to have straightaway restored the execution and issued warrants of possession, with



police aid if necessary, as per the directions earlier recorded. It is submitted that the impugned order, by merely calling for the report of the Ahlmad and fixing the case after three months, has the effect of unnecessarily prolonging the execution proceedings to the prejudice of the decree holder.

### **Findings**

8. Having heard learned counsel and having gone through the record, this Court finds as under:

(i) It is not in dispute that the decree dated 30.08.2022 stands in favour of the petitioner and has attained finality, the applications of the judgment debtors for setting aside the decree having been dismissed.

(ii) The execution petition had been consigned to the record room on 29.07.2024, based on the statements of the parties, with liberty to restore in case of non-compliance.

(iii) The decree holder filed the application dated 04.08.2025 for restoration on the ground that the judgment debtors had failed to deliver possession by 01.08.2025.

(iv) The Executing Court directed that the Ahlmad's report be called and the case be listed on 03.11.2025.

9. So far as the calling of the Ahlmad's report is concerned, this Court finds no illegality. It is a routine and necessary step whenever a file has been consigned to the record room and restoration is sought. The Executing Court is entitled to verify the status of the record before proceeding further.

10. The grievance of the petitioner is essentially with regard to the long adjournment of nearly three months. In this regard, it is sufficient to observe that if



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the petitioner/decreed holder apprehends delay or obstruction, it is always open to him to move an application before the Executing Court for preponement of the date. The Executing Court, on being satisfied about urgency, would be fully empowered to prepone the matter and issue appropriate directions.

11. The impugned order dated 04.08.2025 cannot be set aside merely on the ground that a longer adjournment has been given or that the report of the Ahlmad has been called. No perversity or jurisdictional error is made out.

**Conclusion**

12. In view of the above discussion, this Court finds no illegality or material irregularity in the order dated 04.08.2025 passed by the Executing Court. The revision petition is devoid of merit and is accordingly dismissed.

13. It is, however, clarified that the petitioner/decreed holder shall be at liberty to move an appropriate application before the Executing Court for preponement of the date, and the Executing Court shall consider such request in accordance with law, keeping in mind that execution proceedings are to ensure expeditious enforcement of decrees.

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

September 08, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No