

CR-141-2023 (O&M)

2025.PHHC:092475



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

CR-141-2023 (O&M)

Date of Decision: July 24, 2025

Chhattar Pal and anr.

.....Petitioners

Vs.

Moola alias Mool Chand (since deceased)
Through LRs and anr.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Akshay Bhan, Sr. Advocate assisted by
Mr. Varun Sandhu, Advocate and Mr. Santosh Sharma, Advocate
for the petitioners.

Mr. R.S. Budhwar, Advocate
for respondent No. 1.

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SUDEEPTI SHARMA J.

1. Challenge in the present petition is to order dated 12.12.2022 passed by learned Civil Judge (Sr. Division), Sonapat in Execution No. 2045-2013 titled as '*Moola @ Mool Chand vs. Mange Ram and others*', whereby the objections filed by the petitioners have been dismissed.

2. Learned senior counsel for the petitioners contend that the decree dated 23.05.1998 was passed against a 'dead person' and on 10.03.1999, an application was fraudulently moved for preparation of final decree on behalf of Mool alias Mool Chand, who died way back on 24.08.1994 by putting his thumb impressions. He further contends that two objections were raised by the petitioner before the learned Executing Court, which were not dealt with by the learned Executing Court.

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4. Per contra, learned counsel for respondent No. 1 submits that there is no illegality in the impugned order and therefore the present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

6. The petitioners have placed on record the objections filed by them with the present petition. A perusal of the objections filed by the petitioners shows that the objections with respect to maintainability of the execution petition and obtaining the decree by placing on record the fraudulent documents were raised, which are not categorically dealt with by the learned Executing Court.

7. In view of the same, the present petition is allowed. Order dated 12.12.2022 passed by learned Civil Judge (Sr. Division), Sonipat is set aside and the matter is remanded to the learned Executing Court to decide the objections dated 07.01.2012, in accordance with law after hearing both the parties.

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

(SUDEEPTI SHARMA)
JUDGE

July 24, 2025

Gaurav Arora

Whether speaking/non-speaking : Yes

Whether reportable : Yes