



**CR No. 6092 of 2025 (O&M)**

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

**CR No. 6092 of 2025 (O&M)  
DATE OF DECISION: 08.09.2025**

**VINEY GUPTA AND OTHERS**

**.....PETITIONERS**

**Vs.**

**PUNJAB STATE WAREHOUSING CORPORATION, JALANDHAR  
AND OTHERS**

**.....RESPONDENTS**

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

Present: Mr. Shiv Kumar, Advocate,  
for the petitioners.

Mr. Anil Sharma, Advocate,  
for respondent No. 1.

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**AMARINDER SINGH GREWAL, J.**

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 19.08.2025 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Jalandhar, in Execution No. 812 of 2023, whereby the application under Order XXI Rule 41 of the Code of Civil Procedure, 1908 (for short, '*the CPC*') filed by respondent No. 1-Corporation/Decree-Holder has been allowed by dismissing the objections of the petitioners/Judgment-Debtors and further directing them to furnish details of their property without ascertaining the amount to be recovered from the Judgment-Debtors, strictly in accordance with the judgment and decree dated 13.04.2023 (Annexure P-2).

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2. The brief facts of the case are that respondent No. 1-plaintiff/the Punjab State Warehousing Corporation, Jalandhar, filed a civil suit for recovery of Rs.10,72,147/- along with interest against the defendants-petitioners, on the allegation that in pursuance of letter dated 04.10.2001, defendant No. 1-petitioner through defendant No. 5, namely Vijay Kumar Gupta, had entered into an agreement dated 06.12.2001 with the plaintiff-Corporation through the then Manager, Jalandhar, to shell the paddy for the crop year 2001-02 to be supplied by the plaintiff under the terms and conditions of the said agreement.

2.1 The written statement was filed by the petitioners-defendants. As many as five issues (including the 'Relief' issue) were framed by the learned lower Court. Thereafter, the parties led their respective evidence and ultimately the suit was decreed. The plaintiff-respondent No. 1 was held entitled to recover Rs. 10,72,147/- from defendant No. 1 M/s Khushi Ram Durga Dass Rice Mills and its partners, including defendants No. 2 & 5, vide judgment and decree dated 13.04.2023 (Annexure P-2).

2.2 Thereafter, respondent No. 1-plaintiff filed an execution petition (Annexure P-3) before the learned Civil Judge (Junior Division), Jalandhar. Objections were filed by Judgment-Debtors No. 2 and 5 (Annexure P-4). The said objections were dismissed by the learned lower Court on 22.05.2025 (Annexure P-5).

2.3 Subsequently, an application on behalf of the Decree-Holder/respondent No. 1 under Order XXI Rule 41 of the CPC for examination of the Judgment-Debtors as to their property was filed. Reply

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thereto was filed by the petitioners. After hearing learned counsel for the parties, the application was allowed by the learned lower Court vide order dated 19.08.2025 (Annexure P-6) and Judgment-Debtors No. 2 and 5 (petitioners), namely Jugal Kishore Gupta and Vinay Gupta were directed to furnish details of their movable and immovable assets in the form of an affidavit on the next date of hearing.

3. Learned counsel for the petitioners has contended that petitioner Vinay Kumar Gupta and others were never partners of M/s Khushi Ram Durga Dass Rice Mills. It is further submitted that no amount was ascertained by the Court before allowing the application under Order XXI Rule 41 of the CPC. It is also submitted that it is a settled principle of law that a Court executing a decree cannot go behind the decree; it must take the decree as it stands, for the decree is binding between the parties to the suit. Therefore, when the petitioners were never held to be partners of the concern, the respondent-Corporation could not have moved an application under Order XXI Rule 41 of the CPC for examination of the Judgment-Debtors regarding their property.

3.1 Thus, it is submitted that the order dated 19.08.2025 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Jalandhar, is patently illegal, null and void, and the same deserves to be set aside, and the present petition deserves to be allowed.

4. Per contra, learned counsel appearing for respondent No. 1-plaintiff submits that the order dated 19.08.2025 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Jalandhar, is perfectly legal and

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does not require any interference.

5. I have heard learned counsel for the parties and have gone through the paper-book carefully.

6. On hearing the submissions and as discussed above, it was petitioner Vinay Gupta who had entered into an agreement dated 06.12.2001 with respondent No. 1-plaintiff, namely the Punjab State Warehousing Corporation, through the then Manager, Jalandhar, to shell the paddy for the crop year 2001-02 under the terms and conditions of the said agreement. Even Jugal Kishore Gupta was held to be one of the partners of M/s Khushi Ram Durga Dass Rice Mills. Further, as noticed above, the suit of respondent No. 1-plaintiff, namely the Punjab State Warehousing Corporation, was decreed in its favour for recovery of Rs. 10,72,147/-. While decreeing the suit, it was categorically held that the plaintiff-Corporation could recover the amount from its partners, including the present petitioners who were arrayed as defendants No. 2 and 5.

7. Order XXI Rule 41 of the CPC reads as under:-

***“41. Examination of judgment-debtor as to his property.—***

*(1) Where a decree is for the payment of money the decree-holder may apply to the Court for an order that—*

*(a) the judgment-debtor, or*

*(b) where the judgment-debtor is a corporation, any officer thereof, or*

*(c) any other person*

*be orally examined as to whether any or what debts are owing to the judgment-debtor and whether the judgment-debtor has any and what other property or means of*

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*satisfying the decree; and the Court may make an order for the attendance and examination of such judgment-debtor, or officer, and for the production of any books or documents.*

*(2) Where a decree for the payment of money has remained unsatisfied for a period of thirty days, the Court may, on the application of the decree-holder and without prejudice to its power under sub-rule (1), by order require the judgment-debtor to make an affidavit stating the particulars of the assets of the judgment-debtor.*

*(3) In case of disobedience of any other made under sub-rule (2), the Court making the order, or any Court to which the proceedings is transferred, may direct that the person disobeying the order be detained in the civil prison for a term not exceeding three months under before the expiry of such term the Court directs his release.”*

8. The present petitioners were the partners of M/s Khushi Ram Durga Dass Rice Mills, and the decree was passed against them along with others. As the decree for money remained unsatisfied, respondent No. 1-plaintiff, namely the Punjab State Warehousing Corporation, had no option but to request the Court for examining the Judgment-Debtors and requiring them to produce documents relating to all their properties, both movable and immovable, for satisfaction of the decree.

9. Thus, the order dated 19.08.2025 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Jalandhar, cannot be held to be perverse or illegal in any manner, as it merely contains directions to the present petitioners, Vinay Kumar Gupta & Jugal Kishore Gupta, to furnish details of their movable and immovable assets for satisfaction of the decree passed in favour of respondent No. 1-plaintiff.



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10. Accordingly, this Court finds no merit in the prayer for setting aside the order dated 19.08.2025 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Jalandhar. Finding no illegality therein, the present revision petition, being devoid of merit, is hereby dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

**September 08, 2025**  
nitin

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

Whether Speaking	Yes
Whether Reportable	No