



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

**CR-5783-2023(O&M)  
Date of decision: 29.09.2025**

Hukam Chand

... Petitioner

Versus

Yashpal (since deceased) through his LRs

... Respondent

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Aakash Singla, Advocate,  
for the petitioner.

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**VIKRAM AGGARWAL, J.**

The instant revision petition, preferred under Article 227 of the Constitution of India, assails impugned order dated 10.09.2019, passed by the Court of Civil Judge (Jr. Divn.), Bahadurgarh, vide which the execution petition filed by the petitioner/plaintiff to execute the decree dated 11.12.2015 (Annexure P-4) passed in a recovery suit instituted by him was dismissed as having been fully satisfied.

2. Shorn of unnecessary details, the facts as emanating from the revision petition are that the petitioner had instituted two suits against the defendant. One was a suit for specific performance (Annexure P-1) of agreement to sell dated 26.09.2013, stated to have been executed by the respondent/defendant (Yashpal) qua his land measuring 8 kanals (fully described in the plaint), situated in the revenue estate of Village Nilothi, Tehsil Bahadurgarh, District Jhajjar (hereinafter referred to as the '**suit land**'). The total sale consideration, as per the averments set out in the



plaint, was Rs.20,00,000/-, against which earnest money of Rs.6,00,000/- had been paid. The balance sale consideration was to be paid at the time of registration of the sale deed, which was fixed for 25.03.2014. The second suit (Annexure P-2), involving the same parties, was for recovery of a loan amount of Rs.6,65,000/-, alleged to have been borrowed by the defendant from the plaintiff.

3. The suit for recovery was decreed vide judgment and decree dated 11.12.2015 (Annexures P3 & P-4), passed by the Court of Civil Judge (Jr. Divn.), Bahadurgarh. It has been brought to the notice of the Court that the first appeal was also dismissed on 11.12.2015 and the judgment was confirmed by this Court vide judgment dated 25.05.2016, passed in RSA-5066-2016.

4. An execution petition (Annexure P-4/A) was filed for recovery of Rs.11,07,008/-.

5. In the suit for specific performance, a compromise was arrived at between the parties, wherein it was agreed that the defendant would pay Rs.8,00,000/- to the plaintiff. Out of the said amount, Rs.4,00,000/- were paid. It was agreed that upon full payment, both cases would be withdrawn by the plaintiff.

5.1 Subsequently, the suit for specific performance was withdrawn on 06.05.2019. However, the execution petition was not withdrawn. This led to the filing of an application (Annexure P-7) by the defendant for declaring the execution being full satisfied. The same was opposed by way of a reply (Annexure P-8), wherein a stand was taken that the plaintiff had never agreed to withdraw the execution petition.



6. By way of the impugned order, the said application was allowed and the execution petition was dismissed as having been fully satisfied, leading to the filing of the instant revision petition.

7. I have heard learned counsel for the petitioner.

8. Learned counsel for the petitioner has strenuously urged that once two separate suits had been filed by the petitioner, one for recovery which had already been decreed and the second for specific performance, there was no occasion for him to settle the matter for a sum of Rs.8,00,000/-. He submits that the statement was given under a mistaken impression and that fraud had been played upon the petitioner, who is an old person. He contends that intention of the petitioner was only to give a statement as regards withdrawal of the suit for specific performance and not for the execution petition. He further submits that the executing Court did not consider the matter from the correct perspective and erroneously dismissed the execution petition as having been fully satisfied.

9. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit. The statement given by the petitioner at the time when the matter was settled has not been placed on record. However, on the asking of the Court, during the course of hearing, the same has been produced. It is a statement recorded in vernacular.

9.1 It was stated by the petitioner/plaintiff that as per the compromise arrived at between the parties on 25.03.2019, he had received a sum of Rs.4,00,000/- from the defendant in cash and the remaining



Rs.4,00,000/- would be paid on 10.04.2019, after which he would withdraw both cases.

9.2 After the payment of the said amount, the suit was withdrawn and the following order was passed on 06.05.2019:

**“Today the case was fixed for awaiting compromise.**

**Plaintiff Hukam Chand has appeared before the court in person. He has been duly identified by his counsel and has suffered a recorded statement in the court to the effect that the matter has been compromised with the defendant and he has received a sum of Rs.3.5 lac (Rs.3,50,000/-) from the defendant and there is nothing pending against the defendant. As such, he does not wish to proceed with the present suit and wants to withdraw the same.**

**Heard. Perused. Keeping in view the statement made by plaintiff Hukam Chand, the present suit is hereby dismissed as withdrawn.**

**File be consigned to the record room after due compliance.”**

10. It appears that the respondent had asked the petitioner to withdraw the execution petition as well, which he declined stating that he had never agreed to do so. The executing Court rightly held that there were only two cases pending, out of which one was a suit for specific performance and the second was the execution petition arising from the suit for recovery, which had been decreed. Under the circumstances, these two matters would be required to be withdrawn and that the stand being taken by the petitioner that he had agreed to withdraw only the suit for specific



performance was false. It was rightly held that a statement made before a Court during judicial proceedings has sanctity and cannot be doubted. Further, once the petitioner is alleging fraud or that the statement was made under a misunderstanding, it would be for him to prove the same in appropriate proceedings. The executing Court, therefore, did not commit any illegality in dismissing the execution petition as having been fully satisfied.

11. That being so, the present revision petition is found to be devoid of merit and is accordingly dismissed.

12. Pending application(s), if any, also stands disposed of.

**( VIKRAM AGGARWAL )**  
**JUDGE**

**September 29, 2025**

Rajan

Whether speaking / reasoned:  
Whether Reportable:

Yes/No  
Yes/No