

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

122

2025:PHHC:095292



CR-4886 of 2025 (O&M)

DECIDED ON: 29<sup>th</sup> July, 2025

M/s Mansa Packaging Industries and another

.....PETITIONERS

VERSUS

M/s Apex Textiles India

.....RESPONDENT

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA.**

Present: Mr. Vivek Goyal, Advocate for the petitioners.

\*\*\*

**NIDHI GUPTA., J (ORAL)**

The defendant has filed the present revision petition under Articles 226/227 of the Constitution of India, seeking setting aside of orders dated 16.05.2025 (Annexure P-11), 28.05.2025 (Annexure P-12), 11.07.2025 (Annexure P-14) and 18.07.2024 (Annexure P-15), whereby repeated warrants of attachment of property of the petitioner have been issued by the Executing Court.

2. It is *inter-alia* submitted by ld. counsel for the petitioners that petitioner No.2 is an old widow. The decree passed against her is exparte. It is only when petitioner received summons in the execution petition that she discovered about the exparte judgment and decree dated 03.01.2024. The petitioner had filed an application under Order IX Rule 13 CPC for setting aside of exparte judgment and decree. The same was dismissed, however, the appeal there against is pending. It is submitted that the petitioner is also pursuing her remedy before the learned Executing Court. However, the Executing Court is bent upon recovering the decretal amount from the petitioner by resorting to coercive and legally unsustainable

means despite the fact that several applications are pending before the Executing Court. Even objection of the petitioner under Section 47 CPC challenging the executability of the decree itself is pending. Learned counsel argues that the applications filed by the petitioners raise substantial and triable issues; and therefore, the Executing Court could not have issued warrants of attachment with regard to some property which do not even belong to the petitioner. It is accordingly prayed that the impugned orders be set aside.

3. Heard.

4. Brief facts of the case in chronological order are as follows: –

**27.5.2022:** - The plaintiff-respondent filed a suit for recovery of Rs.6,50,070/- against the petitioners on dated 27.05.2022.

**3.1.2024:** - The petitioner failed to put in appearance in the said suit despite service. As such, petitioner was proceeded against exparte. Subsequently, exparte judgment and decree dated 03.01.2024 (Annexure P-2) was passed against the petitioner.

**9.10.2024:** - On 09.10.2024 petitioner filed an application (Annexure P-3) under Order IX Rule 13 CPC for setting aside exparte order dated 25.11.2022 and exparte Judgement and decree dated 03.01.2024.

**2.4.2025:** - The said application was Dismissed in Default vide Order dated 02.04.2025 (Annexure P-4). A perusal of the said order reveals that the case was called several times and as no one appeared on behalf of the petitioner, it was directed that the case be taken up after sometime. Even after sometime, none appeared on behalf of the petitioner. Accordingly, it was directed that the case be taken up after lunch. Even after lunch, when none appeared for the petitioner, that the application was dismissed in default.

18.5.2025: - Thereafter, petitioner filed application under Order 9 Rule 9 CPC for restoration of suit on 18.05.2025 (Annexure P-6B).

28.5.2025: - Vide order dated 28.05.2025 (Annexure P-7) said restoration application has also been dismissed. The appeals against the said orders are stated to be presently pending.

5. It is in this background that the Id. Executing Court has issued repeated warrants of attachment of the property of the petitioner vide impugned orders dated 16.05.2025 (Annexure P-11); 28.05.2025 (Annexure P-12); 11.07.2025 (Annexure P-14); and 18.07.2025(Annexure P-15).

6. A bare reading of the above facts shows that the petitioner has exhibited an utterly casual attitude in the pursuit of the present litigation. It is to be appreciated that very valuable public time of Courts are expended in affording multiple opportunities to the petitioner in the interest of justice. It is the bounden duty of every litigant to pursue his case diligently; and it is also the bounden duty of the Court to ensure that justice inures to both parties concerned.

7. It is to be appreciated that with the passage of time rights of the parties get crystallized. Therefore, the petitioner cannot be permitted to misuse the due processes available under law to the detriment of other party thus causing prejudice to other party. In view of above facts, I find no ground is made out to interfere in the impugned orders, the present petition accordingly stands **dismissed**.

8. Pending application(s), if any, shall stands disposed of.

29<sup>th</sup> July, 2025  
*reema*

(NIDHI GUPTA)  
JUDGE

Whether speaking/reasoned Yes  
Whether reportable No