



**Sr. No.129**

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

**CR-4089-2025 (O&M)**

**Date of decision: 14<sup>th</sup> July 2025**

**JAI RAJ SINGH**

**.....Petitioner**

**versus**

**ASHOK KUMAR BATRA**

**.....Respondent**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Adhiraj Bhandari, Advocate  
for the petitioner.

**HARPREET KAUR JEEWAN, J. (ORAL)**

1. The instant revision petition has been filed under Article 227 of the Constitution of India raising a challenge to the order dated 08.05.2025 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Sonapat (hereinafter referred to as "*the Civil Judge, Sonapat*"), in an execution petition, whereby, the objections filed by the petitioner-Judgment Debtor, were dismissed.

2. As per the brief facts, the respondent filed a civil suit before the Civil Judge, Sonapat seeking recovery of mesne profits on the ground of unpaid rent of the premises, which were in possession of the petitioner as a tenant. The petitioner was directed to vacate the premises during the proceedings under Section 13 of The Haryana Urban (Control of Rent and Eviction) Act 1973, whereas, the execution petition of the said order was filed on 04.03.2021. Consequently, on 20.09.2021, the bailiff handed over the possession of the said rented premises to the plaintiff. The suit for recovery was decreed vide judgment and decree dated 31.07.2024



(Annexure P-3) by the Court of Civil Judge, Sonapat and thereafter, an execution petition was filed by the respondent.

2.1 The petitioner-judgment debtor filed objections (Annexure P-2) during the execution proceedings challenging the maintainability of the execution petition on the ground of lack of jurisdiction. It is alleged that the petitioner-Judgment Debtor resides in Delhi, as such, the suit should have been filed before the District Court, Delhi. It is further alleged that the decree-holder/respondent has dishonestly claimed the arrears of rent at the rate of ₹21,000/- per month from the petitioner-Judgment Debtor, which lacks *bona fide* on the part of the decree-holder.

2.2 The Civil Judge, Sonapat, by passing the impugned order, dismissed the said objection petition by observing that the Court has already decided the lis between the parties and the petitioner-Judgment Debtor had contested the said suit, as such, the Executing Court cannot go behind the decree to consider the objection that the petition is not maintainable on account of jurisdiction. While dismissing the said objection petition, the Civil Judge, Sonapat, adjourned the execution petition and directed the petitioner-Judgment Debtor, who is a senior citizen, to make payment to the decree-holder.

3. Learned counsel for the petitioner contends that the petitioner is residing in Delhi, as such, the execution petition should have been filed in Delhi. Reliance has been placed upon the decision passed the Hon'ble Apex Court in "*Mohit Bhargava vs. Bharat Bhushan Bhargava and others*"; (2007) 4 Supreme Court Cases 795 and the decision of the Delhi High



Court in “*Daelim Industrial Co. Ltd. versus Numaligarh Refinery Ltd.*”;  
2010 (8) R.C.R. (Civil) 1662.

4. I have considered the aforesaid submissions and perused the paper-book.

5. The execution petition was filed within the jurisdiction of the same Civil Court which passed the decree. The objection of the petitioner is that the civil suit should have been filed in Delhi where the petitioner is residing. The said objection has been rightly overruled by the Executing Court holding that the Judgment Debtor had contested the civil suit and the Executing Court cannot go beyond the decree. The question of jurisdiction to file a suit was within the domain of the Court where the suit was filed and the petitioner had a right to raise such an objection during the pendency of the civil suit. Such an objection could not have been raised before the Executing Court, as such, the objection has been rightly declined by the Civil Judge, Sonapat.

6. It is not disputed that the execution petition has been filed before the same Court where the decree was passed. In view of the provisions of Section 38 of the Code of Civil Procedure, 1908 (hereinafter referred to as “*the Code*”), the decree may be executed either by the Court which passed it, or by the Court to which it is sent for execution. For ready reference, Section 38 of the Code is reproduced as under:-

*“38. Court by which decree may be executed – A decree may be executed either by the Court which passed it, or by the Court to which it is sent for execution.”*



7. In view of the aforesaid specific provisions, the execution petition cannot be dismissed on the ground that the same should have been filed at a place where the petitioner-Judgment Debtor is residing.

8. In *Daelim Industrial Co. Ltd. (supra)*, the facts are distinguishable as in that case, no decree of the Court was being executed. The question involved was territorial jurisdiction to entertain an execution petition of an arbitral award. As such, while dealing with the said question, it was held that a money award can be enforced through the Courts of the place where the money or the property of the party liable to pay, is situated. The question as to whether the execution petition was required to be transferred to such a Court within whose jurisdiction the Judgment Debtor is residing, was considered and it was held that there is no decree of the Court which can be transferred as it was only an arbitral award which was sought to be executed, as such, the findings in the said matter are of no help to the petitioner.

9. Learned counsel for the petitioner further contends that the Executing Court would go beyond its territorial jurisdiction and use coercive methods as the petitioner-Judgment Debtor is a resident of Delhi. In the present petition, the challenge is to the dismissal of the objection petition filed by the petitioner. No such order is under challenge, whereby, the Executing Court had exceeded its jurisdiction, as such, this argument does not help the petitioner.

10. The decision relied upon by the petitioner in *Mohit Bhargava (supra)* is also distinguishable on facts as in the said case, the suit was decreed by the District Court, Gwalior and the final decree in a suit for



dissolution of partnership was also passed by the said Court. The execution petition was also filed before the Court which passed the decree. However, the Executing Court passed an order for sale of the property which was situated in Indore. The objection raised by the Judgment Debtor to the territorial jurisdiction of the Executing Court was dismissed by the Executing Court and was upheld in a revision petition by the High Court. However, later on, under Article 227 of the Constitution of India, the High Court held that the Executing Court i.e. District Court at Gwalior lacks territorial jurisdiction to continue the execution petition, especially in respect of the properties outside its jurisdiction or to order sale of the said property. The High Court set aside the order and transferred the execution petition to the Court concerned at Indore for proceeding further. The decree-holder challenged the said order raising an objection to the transfer of the execution petition to the Court at Indore by way of filing Special Leave to Appeal.

11. In view of these facts, the Hon'ble Apex Court held that since the property lies outside the jurisdiction of the Court at Gwalior, the Executing Court was not correct in overruling the objection of the Judgment Debtor regarding the absence of the jurisdiction in the Court at Gwalior to order the sale of property outside its jurisdiction. However, in the present case, no such order has been made by the Executing Court.

12. Keeping in view the facts and circumstances of the present case, the impugned order dated 08.05.2025 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Sonapat, does not suffer from any irregularity or illegality. Consequently, the present Civil Revision Petition has no merits and is accordingly dismissed.



13. Pending miscellaneous applications, if any, shall stand disposed of.

**(HARPREET KAUR JEEWAN)**  
**JUDGE**

**14<sup>th</sup> July 2025**  
*simran*

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*