



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

110

1. ESA-191-2016 (O&M)  
Date of decision: 03.04.2025

**RAKESH KUMAR**

**..Appellant**

**Versus**

**SAMEER VIJ AND OTHERS**

**..Respondent**

2. ESA-192-2016 (O&M)

**RULDU RAM**

**..Appellant**

**Versus**

**SAMEER VIJ AND OTHERS**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Amit Jain, Sr. Advocate  
with Mr. Varun Parkash, Advocate  
for the appellant.

Mr. Naresh Gopal Sharma, Advocate  
for the petitioner/appellant.

Mr. Davinder Singh Khurana, Advocate  
for respondent No.1.

**ANIL KSHETARPAL, J(Oral)**

1. Two connected execution second appeals shall stand disposed of by this common order.

2 Sh. Ruldu Ram filed a suit for recovery of certain amount against Dhingra Steel Traders and Paper Store, Sh. Paras Ram Dhingra and Sh. Ashok Dhingra. The defendants were proceeded against ex parte. An application was filed for setting aside the ex parte proceedings. A conditional order was passed to set aside ex parte proceedings subject to furnishing of tangible security of Rs.1,00,000/-. Smt. Renu wife of Sh. Ashok Dhingra



furnished tangible security in the name of her shop. Initially, it was accepted, however, the plaintiff filed an application claiming that the security is inadequate. Ultimately, the Court directed the defendants to furnish adequate security, which was never furnished. Hence, the suit was proceeded ex parte against the defendants and decreed on 28.02.1998. The plaintiff filed an appeal by impleading Smt. Renu wife of Sh. Ashok Dhingra as respondent, which was disposed of on 09.05.2000, while observing that Smt. Renu shall continue to remain liable for the security furnished. In execution of the decree, property i.e. shop of Smt. Renu was auctioned. Before the property was auctioned, Smt. Renu sold the property to Sh. Sameer Vij. The objections were filed by Sh. Sameer Vij against the Court auction. In the meantime, the purchaser has already deposited Rs.25,000/-. Both the Courts below have held that the individual property of Smt. Renu could not have been sold as she was not the judgment debtor.

3. Out of these appeals, one has been filed by the decree holder, whereas, the second has been filed by the auction purchaser. They claim that the property namely shop of Smt. Renu is liable to be sold in the Court auction. It is evident that Smt. Renu was not impleaded as a defendant in the suit. At one stage, she did furnish security pursuant to the conditional order passed by the Court while setting aside ex parte proceedings, however, ultimately, the Court did not set aside the ex parte order because the tangible security furnished by the defendant was not found sufficient. Hence, there could not be any decree against Smt. Renu. She may be the wife of one of the judgment debtor, however, there is no evidence that the property ever belonged to the judgment debtor.



4. Consequently, finding no merits, both the appeals are dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

**April 03<sup>rd</sup>, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**

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

*Whether reportable* : *Yes/No*