



CR-5891-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(159)

CR-5891-2025

Date of decision: - 28.08.2025

Manjit Pal Singh

....Petitioner

Versus

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep S. Majithia, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 28.07.2025 (Annexure P-15) passed by the Civil Judge (Junior Division), Amritsar whereby the application for setting the ex-parte order dated 20.03.2019 (Annexure P-9) has been dismissed.

2. The present case depicts the effort made by the judgment debtor to delay the proceedings endlessly. It is not in dispute that the civil suit for recovery was filed by the Union of India and Bharat Sanchar Nigam Limited against the present petitioner who was defendant No.2 in the suit and against one Mohinder Singh in the year 2003. The said suit was decreed vide judgment and decree dated 27.04.2013 (Annexure P-1) and the relevant portion of the same is reproduced herein-below: -

“9. As discussed above, the suit of the plaintiff succeeds and is hereby decreed with costs, holding that as per the compromise and



*statement of defendant No.1 Mohinder Singh and the statement of Sh.Tarsem Lal, AGM Legal, BSNL, Amritsar recorded in the Lok Adalat on 27.4.2013, the defendant No.1 Mohinder Singh agreed to make the lumpsum amount of Rs.1,36,254/- by means of Instalment of Rs.3000/- per month payable bi-monthly as Rs.6000/- till the payment of total outstanding amount and Mohinder Singh would submit cheques in advance on year to year basis. That as per agreed terms of compromise, the plaintiffs are entitled and defendant No.1 will make the payment of Rs. 1,36,254/- as lumpsum total amount to the plaintiffs by making payment of Rs.6000/- Bi-monthly till the payment of total amount of Rs.1,36,254/- and defendant No.1 will submit the cheques in advance on year to year basis and in case of failure of the defendant in making the payment, plaintiffs will be entitled to recover the amount of Rs.1,36,254/- alongwith Interest @ 12% from the date of institution of the suit till today and the plaintiffs will be entitled to the future Interest @ 9% per annum from the date of decree until full and final realization **and the defendant No.2 is liable to make the payment of Rs.2,73,355/ of bills amount and a sum of Rs.2,02,582/- on account of Interest @ 12% per annum on the bills total amounting to Rs.4,75,937/-.** Plaintiffs are also entitled to the **pendente lite Interest @ 12% per annum from the date of filing the suit till today. Plaintiffs are also entitled to future Interest @ 9% per annum from the date of decree until full and final realization.** That since the matter qua the defendant No.1 Mohinder Singh and plaintiffs is settled in Lok Adalat and with the Intervention of the Lok Adalat, hence the court fees/stamp duty qua the amount of Rs.2,81,065/- be refunded back to the plaintiffs as per the provision of the Free Legal Aid and Legal Services Authority Act. Decree sheet be drawn and file be consigned to the record room.*

*Announced.
27.4.2013*

*(Sandeep S.Jossan)
Presiding Officer,
Lok Adalat-cum-
Civill Judge (Senior Division),
Amritsar”*

3. A perusal of the above decree would show that as far as



defendant No.1 is concerned, the matter was settled but as far as petitioner/defendant No.2 is concerned, the petitioner/defendant No.2 was directed to make the payment of Rs.4,75,937/- along with pendente lite interest @ 12% per annum from the date of filing the suit and was also liable to pay future interest @ 9% per annum from the date of decree till the date of the realization. Apparently, the application dated 22.07.2013 was filed by the petitioner under Order 9 Rule 13 CPC read with Section 151 CPC for setting aside the judgment and decree dated 27.04.2013 (Annexure P-2), as the said judgment and decree dated 27.04.2013 was ex-parte against the present petitioner. The petitioner had thereafter filed a CR-2569-2018, in which the Co-ordinate Bench of this Court vide order dated 23.04.2018 (Annexure P-8) had directed the trial Court to decide the said application under Order 9 Rule 13 CPC within a period of one month. On a pointed query raised by this Court as to what was the final order passed in the proceedings under Order 9 Rule 13 CPC, learned counsel for the petitioner has submitted that he is not aware of the same. It would be relevant to note that the counsel for the petitioner had initially stated that no application under Order 9 Rule 13 CPC for setting aside the ex-parte judgment was filed by the petitioner and it is only when this Court had pointed out that Annexure P-2 is an application under Order 9 Rule 13 CPC filed by the petitioner for setting aside the ex-parte judgment and decree, that the learned counsel for the petitioner stated that the said application was filed. No final order in the said application under Order 9 Rule 13 CPC has been annexed along with the present petitioner.



Thus, apparently the petitioner is playing hide and seek with this Court. Be that as it may, nothing has been shown to this Court that the judgment and decree dated 27.04.2013 passed against the present petitioner has been set aside or that there is any stay order in favour of the petitioner qua execution of the said judgment and decree.

4. The decree holder had filed the execution application. A perusal of the first page of Annexure P-4 shows that the application was filed in the year 2014 as the filing number of the execution was mentioned as 2180/2014. Apparently on 15.12.2016, the warrant of attachment was received back executed with the report that the account of the judgment debtor/petitioner has been attached. The zimni order dated 15.12.2016 is reproduced herein below: -

“Present: Sh.M.S.Chhina,Adv.for D.H

Warrants of attachment received back executed with the report that the account of judgment debtor has been attached.

However, there is noting on the warrants by Punjab & Sind Bank that balance in account as on date is Rs.217/-only. In view of noting, let D.H is directed to file fresh list of property of JD to get the decree executed.

To come up on 7.2.2017 for issuance of warrants of attachment on filing of fresh list of property alongwith warrant fee.

*Announced.
15.12.2016*

*(Ravi Inder Kaur)
Civil Judge (Sr.Division),
Amritsar.”*

5. All the zimni orders subsequent to the same have not been annexed, however, it is not disputed that the petitioner was represented by Mr. N.S. Sangotra, Advocate even in the execution proceedings. The said



CR-5891-2025

-5-

fact is also apparent from the zimni order dated 12.04.2018 (page 37 of paper-book), which is reproduced herein below: -

*“Present: Sh. M.S.Chhina Adv.for DH.
Sh. N.S.Sangotra Adv.for JD.*

On request, case is adjourned to 07.05.2018 for consideration on application for recalling the order.

*(Ravi Inder Kaur)
CJSD/Asr./12.04.2018*

Next Date: 07.05.2018”

6. The petitioner was proceeded against ex-parte even in the execution proceedings on 20.03.2019, which is apparent from the zimni order dated 20.03.2019 (Annexure P-9), which is reproduced herein-below: -

*“Present : Sh M.S. Chhina Advocate, counsel for the DH.
None for JD*

Neither JD nor his counsel appeared inspite of repeated calls since morning. It is already 3.40 P.M. As such, JD is ordered to be proceeded against exparte. Now, case is adjourned to 29.04.2019 for consideration.

*Date of order : 20.3.2019 (Ravinderjit Singh Bajwa)
Civil Judge Senior Division-cum- ACJM Amritsar
UID No. PB0231”*

7. On 02.12.2024, the warrant of attachment was issued against the property of JD for execution of amount of Rs.15,18,430/- for 06.01.2025 and thereafter, on 01.03.2025, the Manager of concerned bank was directed to deduct Rs.15,18,430/- from the attached account of JD. The said zimni orders dated 02.12.2024 (page 49 of paper-book) and



01.03.2025 (page 51 of the paper-book) are reproduced herein-below: -

*“Present: Sh. M.S. Chhina Advocate for the DH.
JD ex-parte.*

*List of property has been filed. Heard. Record perused. In view of the contents made in the application, **let warrants of attachment be issued against the property of JD for execution of amount of Rs.15,18,430/- for 06.01.2025.***

Date of Order: 02.12.2024.

*(Gurbir Singh)
CJSD/Asr
UID NO . PB00275”*

*Present:- Sh. M.S. Chhina Adv, for the DH.
JD ex-parte.*

Warrants of attachment issued against the property of JD received back duly executed. The present warrants of attachment has been issued to attach the amount of Rs. 15,18,430 /- which was duly executed. Under these circumstances The Manager of concerned bank is directed to deduct Rs. 15,18,430/- from the attached account of JD and be remitted to this court in the shape of Cheque/DD in favour of GMT/BSNL Amritsar for 20.03.2025.

Date of Order: 01.03.2025.

*(Gurbir Singh)
CJSD/Asr
UID NO. PB00275”*

8. The petitioner instead of filing an application for setting aside the ex-parte order before the executing Court, where also he was proceeded against ex-parte, chose to file a revision petition i.e. CR-2073-2025 which was withdrawn vide order dated 08.04.2025 and thereafter, an application (Annexure P-14) was filed by the petitioner for setting aside the ex-parte order dated 20.03.2019, which has been dismissed vide



order dated 28.07.2025 by the executing court after observing that the the petitioner/judgment debtor has been proceeded against ex-parte twice and at one stage had even appeared for mediation but no compromise was effected and thus, it was apparent that the petitioner was well aware of the proceedings and was only trying to delay the proceedings. Vide the impugned order, the trial Court issued a fresh letter to Manager, Punjab & Sind Bank, Sector 14, Chandigarh for issuing demand draft of Rs.15,18,430/- from attached account of petitioner/judgment debtor as per order dated 01.03.2025 and adjourned the case for 12.08.2025. The order dated 12.08.2025 has not been attached along with the present revision petition.

9. Learned counsel for the petitioner has submitted that the petitioner is ready to make the payment but the petitioner be permitted to make the same in installments and by waiving off some part of the interest. This Court has considered the said argument and finds that the same is apparently raised only to further delay the proceedings. The decree against the present petitioner is dated 27.04.2013. The fact that the petitioner was aware of the said decree is apparent from the fact that on 22.07.2013, the petitioner had moved an application under Order 9 Rule 13 CPC (Annexure P-2) for setting aside the said judgment and decree. Thus, from the year 2013, the petitioner has been trying his best to stall the execution of the judgment and decree dated 27.04.2013. Various orders of attachment have also been passed, which have not been specifically challenged. It has been recorded in the impugned order that the present



petitioner was proceeded against ex-parte twice and the said fact could not be disputed before this Court as all the zimni orders in the execution have not been produced on record. At any rate, it is not disputed that the ex parte order of which the setting aside is sought, is dated 20.03.2019 and for the first time, an application for setting aside the said order dated 20.03.2019 was filed after the order dated 08.04.2025 as has been fairly stated by learned counsel for the petitioner. Since the counsel for the judgment debtor was appearing before the executing Court, it cannot be said that the petitioner was not aware of the said proceedings. Thus, the impugned order rejecting the application for setting aside the ex parte order is in accordance with law and deserves to be upheld. At any rate, once the judgment and decree against the present petitioner is not shown to have been stayed or set aside, it is incumbent upon the executing court to proceed in the matter and to get the said judgment and decree executed. All the orders passed by the executing court are for the purpose of executing the decree.

10. The Hon'ble Supreme Court in the case of "*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*", reported as (2010) 8 *Supreme Court Cases* 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to

Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

11. Keeping in view the above, this Court is of the opinion that the impugned order dated 28.07.2015 (Annexure P-15) does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

August 28, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes