



CR No. 8005 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 8005 of 2025

Decided on: 10.11.2025

Ripin Mahajan & Anr.

...Petitioners

Versus

Joginder Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Kanwar Abhay Singh, Advocate  
for the petitioners.

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**DEEPAK GUPTA, J.**

Petitioners herein are the *judgment debtors* in Execution Case No. EXE-2233 of 2024, pending before the learned Civil Judge (Junior Division), Ludhiana. They are aggrieved by the order dated 22.09.2025 (Annexure P-8), whereby their objections filed during the execution proceedings have been dismissed.

2. The record reveals that plaintiff-decree holder Joginder Singh had filed a civil suit for recovery, alleging that the parties had business relations in the trade of iron-sheet, cutting scrap etc. The defendants regularly purchased material through invoices, and a sum of ₹12,02,269/- became due. In part discharge of this liability, they issued cheques dated 05.02.2014 and 01.03.2014, which were dishonoured on presentation, leading the plaintiff to institute a complaint under Section 138 of the *Negotiable Instruments Act, 1881*. During pendency of that complaint, the defendants paid ₹2,00,000/-, leaving a balance of ₹10,02,269/-, for which the plaintiff filed the present suit seeking recovery with interest.

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3. The defendants contested the claim on merits and denied liability.
4. After framing of issues and recording of evidence, the suit was decreed on 07.02.2024 by the learned Civil Judge (Junior Division), Ludhiana.
5. In execution, the judgment debtors filed objections asserting that the decree was *a nullity* as the trial court lacked jurisdiction under the *Commercial Courts Act, 2015*. Their plea was that since the value of the subject-matter exceeded ₹3,00,000/-, jurisdiction lay exclusively with the Commercial Court under Section 11 of the said Act, and therefore, the decree passed by the Civil Judge (Junior Division) was without jurisdiction.
6. The Executing Court, however, dismissed the objections, observing that the decree was passed by a Judicial Officer, who had joined service in 2014 and, by 2024, had over ten years' experience. In view of the *High Court Notification* investing Civil Judges (Junior Division) with more than five years' experience with the powers of *Commercial Courts* up to the prescribed pecuniary limits, the learned trial Judge was competent to try and decide the matter. Accordingly, the decree could not be termed void or in-executable.
7. Assailing the above order, learned counsel for the petitioners reiterates that the decree is a nullity, arguing that the original suit should have been filed before the Commercial Court.
8. This contention deserves outright rejection. Firstly, the issue of jurisdiction was never raised before the trial court despite full participation in the proceedings and contest on merits. Once the defendants submitted to the jurisdiction of the Court and allowed the proceedings to culminate in a decree, they cannot, at the stage of execution, question the competency of the Court, unless the decree is shown to be passed by a Court inherently lacking jurisdiction in the subject-matter in the strict sense. Reliance in this regard may be placed on the settled principle enunciated in ***Kiran Singh and others v. Chaman Paswan and others***, AIR 1954 SC 340, that *though a defect of jurisdiction strikes at the very authority of the Court and renders its decree a nullity, but it must be a case of total lack of inherent jurisdiction, not a mere irregular exercise thereof*.

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9. The Commercial Courts Act does not divest civil courts of their inherent jurisdiction; it merely creates a special forum for expeditious disposal of commercial disputes. Hence, even if the suit was filed before an ordinary civil court instead of a designated commercial court, the decree cannot be treated as a nullity. At best, it could be an irregularity, which should have been raised at the trial stage.

10. Moreover, the notification issued by this High Court in exercise of powers under Section 3A of the *Commercial Courts Act, 2015* read with *Punjab Civil Courts (Designation of Commercial Courts) Rules*, authorises Civil Judges (Junior Division) with more than five years' service to exercise the jurisdiction of Commercial Courts in cases within their pecuniary limits. The learned trial Judge, having over ten years of service, was well within his competence to decide the suit in question.

11. Therefore, the objection that the decree is without jurisdiction is wholly misconceived.

12. The argument raised before the Executing Court thus appears to be a mere afterthought aimed at delaying the execution proceedings. Once a decree has attained finality and has not been challenged in appeal, its executability cannot be questioned on such tenuous grounds.

13. As such, finding no illegality, irregularity, or perversity in the impugned order dated 22.09.2025, this Court holds that the Executing Court rightly dismissed the objections. The decree under execution was passed by a competent court, and the execution proceedings must proceed in accordance with law. Consequently, the present revision petition is dismissed. There shall be no order as to costs.

**(DEEPAK GUPTA)**  
**JUDGE**

**10.11.2025**

**Jiten**

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