



2026:AHC:224596

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 13174 of 2026

Smt. Nirmala Devi (Since Deceased)

.....Petitioner(s)

Versus

Punjab National Bank and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Chandra Bir Singh
Counsel for Respondent(s)	: Krishna Mohan Asthana

AFR

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Vikrant Rana, learned Senior Counsel appearing along with Ms Nilakshi Tripathi, for the petitioner and Sri Krishna Mohan Asthana, learned counsel appearing on behalf of respondent Nos.1 to 3, namely, Punjab National Bank and its officials. The record of the petition, including the relevant orders passed in the execution proceedings, has been perused.

2. Learned counsel appearing on behalf of respondent Nos.1 to 3 submits that the Bank has no objection to the relief sought in the present petition, in view of the fact that the keys of the premises have already been deposited before the executing court on 01.04.2026 in compliance with the order dated 11.03.2026 passed by this Court in Civil Revision No. 614 of 2012.

3. The present petition under Article 227 of the Constitution of India seeks a direction to the Additional District Judge, Court No.18, Meerut, for expeditious disposal of the objection filed by respondent No.4, Meerut Sahkari Awas Samiti Limited, under Order XXI Rule 97 of the Code of Civil Procedure, 1908 (hereinafter referred to as the “CPC”), registered as Miscellaneous Case No.712 of 2025, and for consequential consideration of the petitioner’s application seeking release of the keys and delivery of possession in Execution Case No.7 of 2025, arising out of SCC Suit No.52 of 2010. The relief sought is procedural in nature and does not require this Court to determine the maintainability or merits of the pending objection or the substantive rights asserted by respondent No. 4.

4. Having regard to the limited nature of the relief sought, the statement of no objection made on behalf of respondent Nos. 1 to 3, and the fact that the directions contemplated herein concern the expeditious progress of proceedings pending before the executing court without determining the rights of respondent No. 4, this Court does not consider it necessary to issue formal notice to respondent No. 4 for the present purpose. Notice to respondent No. 4 is, accordingly, dispensed with. It is clarified that this order shall not prejudice the right of respondent No. 4 to contest the pending proceedings in accordance with law, and no opinion is expressed herein on the maintainability or merits of its objection.

5. The supervisory jurisdiction of this Court under Article 227 of the Constitution of India has been invoked by the petitioner seeking a direction to the Additional District Judge, Court No.18, Meerut, to decide the objection filed by respondent No. 4 under Order XXI Rule 97 CPC, registered as Miscellaneous Case No.712 of 2025, and thereafter to consider the petitioner’s application for release of the keys and delivery of possession in Execution Case No.7 of 2025, arising out of SCC Suit No. 52 of 2010, within a reasonable and time-bound period.

6. The original plaintiff, Smt. Nirmala Devi, instituted SCC Suit No. 52 of 2010 against Punjab National Bank and its officials in respect of premises bearing No. A-38, Saket, Meerut, seeking eviction and recovery of arrears of rent. The suit was decreed on 27.08.2012, directing the defendants to hand over possession of the premises to the plaintiff. The decree was challenged by the Bank in Civil Revision No. 614 of 2012 before this Court.

7. During the pendency of the suit, Meerut Sahkari Awas Samiti Limited moved an application under Order I Rule 10 read with Section 151 CPC seeking its impleadment in the proceedings. The said application was rejected by the trial court on 25.01.2012. The significance and legal effect of that order, particularly in relation to the objection subsequently filed by the Society in the execution proceedings, are matters which may require consideration by the executing court in accordance with law.

8. It is the petitioner's case that Smt. Nirmala Devi executed a registered Will dated 20.11.2021 in her favour and that, upon the death of Smt. Nirmala Devi on 03.02.2024, the petitioner became entitled to pursue the proceedings and seek enforcement of the decree. The petitioner instituted Execution Case No.7 of 2025 on 05.08.2025. In the said execution proceedings, respondent No. 4 filed an objection under Order XXI Rule 97 CPC, which was registered as Miscellaneous Case No. 712 of 2025.

9. During the pendency of Civil Revision No. 614 of 2012, this Court passed an order dated 11.03.2026 noting that the Bank had vacated the premises on 14.07.2025 and had paid the arrears of rent and rent up to the date of vacating. The order further recorded that the keys had not been handed over because of the dispute between the landlord and the Society. In those circumstances, the Bank was directed to deposit the keys before the executing court within three weeks. It was also provided that, upon compliance with the direction, the Bank would have no further liability in that regard.

10. In compliance with the aforesaid order, the Bank deposited the keys before the executing court on 01.04.2026. The petitioner thereafter sought release of the keys and delivery of possession of the premises. By order dated 30.05.2026, the executing court deferred consideration of the petitioner's application until the objection filed by respondent No. 4 under Order XXI Rule 97 CPC was decided. While passing the order, the executing court took note of the rejection of the Society's earlier impleadment application and made certain preliminary observations concerning the possible applicability of the principles of *res judicata* and constructive *res judicata*.

11. Respondent No. 4 thereafter instituted Civil Miscellaneous (Transfer Application) No.292 of 2026, which was rejected by the District Judge, Meerut, by order dated 29.07.2026. The District Judge recorded that the executing court had clarified that the observations made in its order dated 30.05.2026 were preliminary in nature and that the objection filed by the Society would be decided after affording the parties an opportunity of hearing. The proceedings, therefore, continued before the executing court.

12. Respondent No. 4 challenged the order dated 29.07.2026 before this Court. The said petition was disposed of as withdrawn on 22.09.2026, with liberty to respondent No. 4 to avail itself of the appropriate statutory remedy. The merits of the dispute concerning the transfer proceedings, as also the merits of the objection filed under Order XXI Rule 97 CPC, were not adjudicated in those proceedings. The petitioner's grievance in the present petition is that, notwithstanding the decree, the deposit of the keys and the pendency of the execution proceedings, possession has not yet been delivered and the application seeking release of the keys and delivery of possession remains unconsidered pending adjudication of the Society's objection.

13. Learned counsel for the petitioner submits that the decree for eviction was passed as far back as 27.08.2012 and that the Bank has already vacated the premises and deposited the keys before the executing

court on 01.04.2026. Nevertheless, the petitioner has not been able to obtain possession of the premises, as the application seeking release of the keys and delivery of possession has been deferred on account of the objection filed by respondent No. 4 under Order XXI Rule 97 CPC.

14. It is further submitted that the Society's application for impleadment in the original suit had already been rejected on 25.01.2012 and that the effect of the said order, including its bearing on the subsequent objection filed in the execution proceedings, requires consideration by the executing court. The petitioner contends that the continued pendency of the objection is delaying the enforcement of the decree and that the executing court ought to decide the objection within a reasonable period and thereafter proceed to consider the petitioner's application for release of the keys and delivery of possession in accordance with law.

15. Learned counsel for the petitioner accordingly seeks a time-bound direction for disposal of the objection filed by respondent No. 4 and for consequential consideration of the petitioner's application in the execution proceedings. Learned counsel appearing on behalf of respondent Nos. 1 to 3, as noticed above, has stated that the Bank has no objection to the relief sought, since the keys have already been deposited before the executing court.

16. The question which arises for consideration is whether, in the circumstances of the present case, a direction ought to be issued to the executing court for expeditious disposal of the objection filed by respondent No. 4 under Order XXI Rule 97 CPC and for subsequent consideration of the petitioner's application seeking release of the keys and delivery of possession. The question does not require this Court to adjudicate the objection itself or to determine the competing rights asserted by the parties. The scope of consideration is confined to whether the progress of the execution proceedings warrants a time-bound direction in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

17. The jurisdiction conferred upon this Court under Article 227 is supervisory in nature. Its exercise is intended to ensure that subordinate courts and tribunals act within the bounds of their authority and that proceedings before them are conducted in accordance with law. While this jurisdiction is not intended to substitute the assessment of the court concerned or to interfere with the manner in which a judicial discretion is exercised merely because another course may be possible, it may appropriately be exercised where intervention is necessary to prevent undue delay and to secure the effective progress of proceedings pending before the subordinate court.

18. The provisions of Order XXI CPC govern the execution of decrees and prescribe the procedure to be followed in cases involving resistance to or obstruction in the delivery of possession. An objection under Order XXI Rule 97 CPC has to be considered in the context of the pleadings raised, the nature of the claim advanced, the material placed before the executing court and the applicable statutory provisions and legal principles. The determination of the objection, including the questions concerning its maintainability and the rights asserted by the objector, falls within the domain of the executing court. This Court, in the present proceedings, is not called upon to express any concluded opinion on those matters.

19. The rejection of the Society's application for impleadment by order dated 25.01.2012 is a relevant circumstance in the procedural history of the dispute. However, the legal effect of that order upon the objection subsequently filed under Order XXI Rule 97 CPC would depend upon the terms of the earlier order, the nature and grounds of the application then considered, the questions which were or were not adjudicated, and the nature of the claim now raised in the execution proceedings. The applicability of *res judicata* or constructive *res judicata* cannot be determined merely by reference to the fact that the earlier impleadment application was rejected. The executing court is required to examine the issue in the light of the relevant record and the applicable principles of law. The preliminary observations made in the order dated

30.05.2026 do not dispense with the need for such consideration and adjudication.

20. The enforcement of a decree is an integral part of the administration of justice. A decree-holder is entitled to seek execution of a decree in accordance with law, while a person raising an objection to delivery of possession is entitled to have the objection considered in the manner prescribed by the CPC. Both aspects must be kept in view. The need to afford a fair opportunity to an objector does not justify avoidable or indefinite delay in execution proceedings; equally, the objective of expeditious execution cannot be used to bypass the procedure prescribed for adjudicating an objection. The appropriate course is to ensure that the objection is decided fairly and expeditiously, followed by consideration of the consequential application in accordance with law.

21. The need for expeditious enforcement of decrees has also been emphasised by the Supreme Court in **Rahul S. Shah v. Jinendra Kumar Gandhi**¹. The judgment underscores the importance of ensuring that avoidable procedural delays do not deprive a successful litigant of the fruits of a decree. It also stresses the responsibility of executing courts to deal with objections and resistance in accordance with the statutory scheme and to prevent execution proceedings from being unnecessarily prolonged. The principles laid down therein require the executing court to balance the need for fair adjudication of objections with the equally important obligation to ensure effective and timely enforcement of decrees.

22. In the present case, the decree for eviction was passed on 27.08.2012. The execution proceedings were instituted on 05.08.2025, and the Bank has deposited the keys before the executing court on 01.04.2026 pursuant to the order passed by this Court in Civil Revision No. 614 of 2012. The petitioner's application seeking release of the keys and delivery of possession has, however, not been considered on its merits because the objection filed by respondent No. 4 remains pending.

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The order dated 11.03.2026 passed in the civil revision facilitated the deposit of the keys before the executing court and addressed the Bank's position upon compliance with the direction. It did not determine the petitioner's entitlement to obtain possession as against the claim asserted by respondent No. 4. That question remains subject to the proceedings pending before the executing court.

23. In these circumstances, the appropriate course is to direct the executing court to adjudicate the objection filed by respondent No. 4 under Order XXI Rule 97 CPC after affording the parties an adequate opportunity of hearing and in accordance with law. While doing so, the executing court shall consider the relevant pleadings and material on record, including the earlier order dated 25.01.2012 rejecting the Society's application for impleadment, and determine such questions of maintainability, *res judicata* or constructive *res judicata* as may arise for its consideration. Upon disposal of the objection, the executing court shall proceed to consider and decide the petitioner's application seeking release of the keys and delivery of possession, in the light of the decision on the objection and the applicable law.

24. Having regard to the date of the decree, the stage reached in the execution proceedings, the deposit of the keys before the executing court and the fact that the petitioner's application remains pending consequentially to the objection filed by respondent No. 4, this Court is of the view that the ends of justice would be served by directing expeditious disposal of the pending objection within a specified period. Such a direction would not curtail the opportunity available to respondent No. 4 to contest the proceedings, nor would it predetermine the outcome of the objection. It would merely ensure that the pending issues are adjudicated within a reasonable time and that the execution proceedings are thereafter taken forward in accordance with law.

25. The supervisory jurisdiction of this Court under Article 227 of the Constitution of India may be exercised to ensure that execution proceedings do not remain pending for an unduly prolonged period and

that the rights of the decree-holder are not rendered illusory by avoidable delay. Where the circumstances warrant such intervention, appropriate time-bound directions may be issued to secure the expeditious progress of the proceedings, without interfering with the adjudication of disputed questions falling within the jurisdiction of the executing court.

26. Accordingly, the present petition is disposed of with a direction to the Additional District Judge, Court No.18, Meerut, to decide the objection filed by respondent No. 4, Meerut Sahkari Awas Samiti Limited, under Order XXI Rule 97 CPC, registered as Miscellaneous Case No.712 of 2025, preferably within a period of three months from the date a certified copy of this order is produced before the executing court. The executing court shall afford the parties an adequate opportunity of hearing and shall decide the objection in accordance with law. The parties shall extend their cooperation for expeditious disposal of the proceedings.

27. Upon disposal of the aforesaid objection, the executing court shall proceed to consider and decide the petitioner's application seeking release of the keys and delivery of possession and take further appropriate steps in Execution Case No. 7 of 2025, in accordance with law and as expeditiously as possible. Unnecessary adjournments shall be avoided, subject to the requirements of a fair opportunity of hearing and the circumstances of the case.

28. It is made clear that this Court has not expressed any opinion on the maintainability or merits of the objection filed by respondent No. 4, the legal effect of the order dated 25.01.2012 rejecting its application for impleadment, the applicability of the principles of *res judicata* or constructive *res judicata*, or the substantive rights asserted by respondent No. 4 or the petitioner's entitlement to delivery of possession. All such questions shall be considered independently by the executing court on the basis of the pleadings, material on record and applicable law. The statement of no objection made on behalf of respondent Nos. 1 to 3 is confined to the relief sought in the present petition, namely, the issuance

of appropriate directions for expeditious disposal of the pending proceedings. The same shall not be construed as an expression of opinion by the Bank on the merits or maintainability of the objection filed by respondent No. 4 under Order XXI Rule 97 CPC, or on the competing claims to possession.

29. The petition stands **disposed of** in the above terms. There shall be no order as to costs.

(Dr. Yogendra Kumar Srivastava,J.)

October 28, 2026

RKK/-