



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4572/2026

Roopshri Lime, Through Its Proprietor Smt. Suman Kanwar W/o Shri Hanuwant Singh, Address 16, Hanwant A, Bjs Colony, Jodhpur. Factory At 575/9/1, Village Ransi, Bilara, District Jodhpur Through Authorized Person Shri Hanuwant Singh S/o Shri Narayan Singh, Manager At Roopshri Lime (Gstin No. 08Bfpk3460P1Zo).

-----Petitioner

Versus

1. Sarthak Suppliers, Through Partner Address 1431, Panmala, Panmana Road, Kolhewadi, Ahmednagar, Maharashtra, 422605, (Gstin No. 27Adcfs8925R1Z5)
2. Jalendra Mchindra Diggi Partner Sarthak Suppliers, Address 1431, Panmala, Panmana Road, Kolhewadi, Ahmednagar, Maharashtra, 422605.

-----Respondents

For Petitioner(s) : Mr. Prashant Tatia a/w Mr. Jagat Tatia.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

12/03/2026

1. The petitioner (firm) is aggrieved by the order dated 23.01.2026 passed by the learned Additional Chief Judicial Magistrate No.8, Jodhpur Metropolitan, in Case No. 03/2023 (NCV No. 23/2023), whereby the petitioner's application under Section 151 of the Code of Civil Procedure, seeking summoning of the respondent's records relating to bank account details from the Central GST Department and the Income Tax Department, was rejected.

2. Bereft of unnecessary detail, the facts necessary for disposal are that the petitioner instituted a suit for recovery of money against the respondent firm under Order XXXVII of the Code of Civil Procedure, 1908, which was decreed ex-parte by order dated 13.05.2022, the respondent having chosen not to appear despite due service of summons.



3. Pursuant to the initiation of execution proceedings, the petitioner moved an application under Section 151 of the Code of Civil Procedure before the executing court, seeking a direction to summon the respondent's records relating to bank account details from the Central GST Department and the Income Tax Department, in order to secure satisfaction of the money decree.

4. The learned executing court dismissed the application vide the impugned order dated 23.01.2026, without assigning any cogent reason.

5. Learned counsel for petitioner contended that the impugned is a non-speaking order in the true sense, it does not record a single reason, let alone a cogent one, for dismissing the petitioner's application. There is no finding that summoning the information from the concerned departments would cause prejudice to any party, nor is there any reference to any statutory bar that would stand in the way. An order that refuses relief without assigning reasons cannot be countenanced, particularly when it operates to stall the execution of a decree that has long since attained finality.

6. I have heard learned counsel for the petitioner and perused the impugned order and the material placed on record.

7. The executing court possesses power both under Section 151 CPC to summon any person, including any government department or statutory authority to produce documents required for the ends of justice.

8. The executing court's apparent assumption that the decree-holder ought to have gathered the requisite information independently before approaching the court is, with respect, wholly misconceived. The bank account details of the judgment debtor are in the exclusive possession of the Central GST Department and the Income Tax Department, and



are equally within the knowledge of the judgment debtor who has chosen to remain absent. The respondent/judgment debtor has been ex-parte throughout and has not filed any reply to the petitioner's application. The petitioner has no independent access to this information and the only route available is through the court's intervention. Placing such an impossible precondition upon the decree-holder; to first procure what is constitutionally beyond its reach; would render the execution proceedings a futile exercise.

9. It is well settled, as observed by the Hon'ble Supreme Court in ***Satyawati v. Rajinder Singh [(2013) 9 SCC 491]***, that the difficulties of a litigant in India must not be allowed to compound after the passing of a decree. Once a valid money decree has been passed, the executing court is under an obligation to ensure that the decree-holder is enabled to realize the decretal amount. In a money decree, attachment of a bank account is the most direct and legally sound mode of execution under Order XXI of the Code. Denying the very application that seeks to identify those accounts defeats the purpose of the execution proceedings altogether and converts the decree into a mere paper adjudication, which cannot be permitted.

10. In view of the above, the impugned order dated 23.01.2026 passed by the learned Executing Court in Case No. 03/2023 (NCV No. 23/2023) cannot be sustained and is hereby quashed and set aside. Accordingly the writ petition is allowed, and the learned Executing Court is directed to issue appropriate instructions to the concerned department to ensure effective adjudication of the execution proceedings.

(MUKESH RAJPUROHIT),J