



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Revision Petition No. 69/2026

Charan Singh Khangarot Son of Late Shri Mukat Singh Khangarot, Aged About 47 Years, Partner, M/s F.S. Township L.I.p. (F.S. Township L.L.P.) Address M 28, Income Tax Colony, Tonk Road, Jaipur



-----Petitioner

Versus

1. Raghunath Singh S/o Colonel Kesri Singh, R/o Narayan Niwas, Narayan Singh Circle, Janta Colony, Jaipur.
2. M/s. F.S. Township, L.L.P. (FS Township LLP) Through Partner Mohit Singh Narendra Singh Laxman Singh Rathore S/o Shri Narendra Singh Laxman Singh Rathore, Address No. 1.- M 28, Income Tax Colony, Tonk Road, Jaipur. Address No. 2- Ea 09, Harigarh Estate, Agra Road, Village Khori Ropada, Tehsil Sanganer, District Jaipur.
3. Mohit Singh Narendra Singh Rathore S/o Shri Narendra Singh Laxman Singh Rathore, Partner, M/s. F.S. Township, L.L.P. (FS Township LLP), Address No. 1.- M 28, Income Tax Colony, Tonk Road, Jaipur. Address No. 2- Ea 09, Harigarh Estate, Agra Road, Village Khori Ropada, Tehsil Sanganer, District Jaipur. Address No. 3- 247, Gomes Defense Colony, Avenue 4, Vaishali Nagar, Jaipur.
4. Pooja Goyal W/o Shri Charan Singh Khangarot, Partner, M/s. F.S. Township, L.L.P. (FS Township LLP), Address M 28, Income Tax Colony, Tonk Road, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Madhusudan Singh Rajpurohit
For Respondent(s) : Mr. M.M. Ranjan-Sr. Advocate with
Mr. Digvijay Singh
Mr. Devashish Pancholi

JUSTICE ANOOP KUMAR DHAND
Order

17/02/2026

Reportable

1. The instant revision petition has been filed against the order dated 16.12.2025, passed by the Additional District Judge No. 8,



Jaipur Metropolitan-I (for short, 'the Executing Court') in execution application No. 5/2023, by which the objection submitted by the petitioner-defendant (hereinafter referred to as 'the petitioner') under Section 47 CPC, against execution of the impugned judgment and decree dated 08.01.2025, has been rejected.

2. Counsel for the petitioner submits that a summary suit was submitted by the plaintiff-respondent No. 1 (hereinafter referred to as 'the respondent') against the respondent No. 2- M/s. F.S. Township, Limited Liability Partnership (for short, 'the LLP Firm') through its partners Mohit Singh and Narendra Singh, wherein the petitioner was also impleaded as one of the defendants in the array of cause title of the suit. Counsel submits that since the aforesaid suit was a summary suit, the petitioner was not allowed to submit leave to defend. Counsel submits that the petitioner is not a signatory to the sale deed dated 26.08.2022, executed between the aforesaid LLP Firm and the respondent, rather he took retirement from the aforesaid LLP Firm on 09.11.2022 and till then no cheque was issued against the aforesaid sale deed dated 26.08.2022. Hence, under these circumstances, the petitioner is not liable to pay any amount to the respondent. Counsel submits that under Section 27 of the Limited Liability Partnership Act, 2008 (for short, "the LLP Act") liability is restricted to the partner, who is responsible for the aforesaid LLP, and rest of the partners are not personally liable for fulfilling the obligations of the LLP firm. Counsel submits that under these circumstances, the objections were submitted by the petitioner but those objections were not entertained and the same were rejected summarily by the





Executing Court. Counsel submits that the impugned judgment passed by the Executing Court is contrary to the judgment passed by the Division bench of the Orissa High Court in the case of **Hrushikesh Panda Vs. Indramani Swain and Anr.**, reported in **1986 SCC Online Ori 92** and against the judgment passed by the Apex Court in the case of **Dhurandhar Prasad Singh Vs. Jai Prakash University and Ors.**, reported in **(2001) 6 SCC 534**.

Counsel submits that the objections submitted by the petitioner under Section 47 CPC, which have been erroneously rejected by the Executing Court, were quite maintainable. Hence, interference of this Court is warranted.

3. *Per contra* Mr. M.M Ranjan, learned Senior Advocate opposed the arguments raised by counsel for the petitioner and submits that a sale deed was executed on 26.08.2022 in favour of the respondent and the same bears the signatures of the petitioner. Counsel submits that there is a mention of the fact that certain cheques were issued in furtherance of the sale deed by the respondent No.4 who is wife of the petitioner. The numbers of the aforesaid cheques have also been mentioned in the aforesaid sale deed and one such cheque of Rs. 4,54,12,000/- bearing signatures of the petitioner's wife not honoured. Counsel submits that under these circumstances, the petitioner is liable for the affairs of the LLP Firm, in terms of Section 30 of the LLP Act and he is not entitled to get the benefit of Section 27 of the LLP Act. Counsel further submits that in Para 8 of the instant revision petition, submitted by the petitioner, a fact was mentioned that against the impugned judgment and decree dated 08.01.2025, the



petitioner along with other defendants have submitted an appeal before this Court and the same is lying pending for consideration. Counsel submits that the petitioner is not entitled to invoke two parallel remedies, one by way of filing objections against the impugned judgment and decree and other by filing an appeal against the self same impugned judgment and decree. Lastly, he argued that the Executing Court is bound by the impugned judgment and it cannot travel beyond the same. In support of his contentions, counsel has placed reliance upon the judgment passed by the Hon'ble Apex Court in the case of **S. Bhaskaran Vs. Sebastian (Dead) by LRs and Ors.** reported in **AIR 2019 SC 4306**. Counsel submits that under these circumstances, interference of this Court is not warranted and the instant appeal is liable to be rejected.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the record indicates that a summary suit under Order 37 CPC was submitted by the respondent against the petitioner along with proforma respondent Nos. 2 to 4 for recovery of a sum of Rs. 4,54,12,000/- on the basis of a sale deed executed by the petitioner and the proforma respondent Nos. 2 to 4 in his favour, and the same has been decreed by the Executing Court vide judgment and decree dated 08.01.2025.

6. As per the averments made in Para 8 of the instant revision petition, the petitioner along with other proforma respondents has already approached this Court by way of filing a statutory appeal, against the judgment and decree dated 08.01.2025 and at the





same time the petitioner has filed objections under Section 47 CPC before the Executing Court against the self same impugned judgment.

7. It is settled proposition of law that an aggrieved party cannot be allowed to avail two parallel remedies at the same time against the self same order/judgment passed against him. By availing two parallel remedies, the petitioner intends to sail in two boats and the same cannot be permitted. One cannot pursue two parallel remedies against the self same judgment at the same time, as this will be deemed to be an abuse of the process of law and Court. Though multiple remedies might technically exist and selecting one remedy often bars the initiation of another remedy simultaneously. Such practice cannot be appreciated, rather it is liable to be deprecated. Once a party chooses to pursue one remedy (eg. appeal), he/she is bound by it and cannot switch over to another if he/she fails to get any relief in the first remedy. Essentially a litigant must choose his/her path and he/she cannot be allowed to "hedge his bets" by way of pursuing two parallel remedies simultaneously for espousing the same cause.

8. This Court is of the considered view that as a general principle where two remedies are available under law, one of them should not be taken as operating in derogation of the other. If a party has elected to pursue a particular remedy, he is bound by it and cannot be allowed to pursue another remedy simultaneously.

9. Instant matter is partly based on the Latin maxim which forms the foundational principle of Roman Jurisprudence, i.e. "*Nemo debet bis vexari pro una et eadem causa*" which translates





to “no man should be vexed twice for the same cause”, meaning thereby that one cannot be allowed to avail two parallel remedies for the same matter at the same time.

10. Since the petitioner has already availed the parallel remedy of filing statutory appeal against the self same impugned judgment and decree dated 08.01.2025 before this Court, in the considered opinion of this Court, under these circumstances, the objection submitted by the petitioner under Section 47 CPC was not maintainable before the Executing Court and the revision petition against the impugned order dated 16.12.2025 passed by the Executing Court is liable to be dismissed being not maintainable. Hence, the instant revision petition stands dismissed on this count alone, without dealing with the arguments raised by counsel appearing for both the sides.

11. However, the petitioner would be at liberty to agitate all the grounds, which have been taken by him before this Court in the revision petition, in the statutory appeal submitted by him before this Court while assailing the judgment and decree dated 08.01.2025 along with other partners/proforma respondent before this Court.

12. The instant revision petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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