



and other connected matters

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:18.05.2024
CWP No.16629 of 2023 (O&M)

Randhir Singh Petitioner

Versus

Union of India and others Respondents

CWP No.16662 of 2023 (O&M)

Jagjit Singh Petitioner

Versus

Union of India and others Respondents

CWP No.16722 of 2023 (O&M)

Baljeet Singh Petitioner

Versus

Union of India and others Respondents

CWP No.19510 of 2023 (O&M)

Karmvir @ Karmvir Khatri Petitioner

Versus

Union of India and others Respondents

CWP No.19542 of 2023 (O&M)

Jai Kumar Jain Petitioner

Versus

Union of India and others Respondents



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**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Ranjit Saini, Advocate for applicant/petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN PALLI, J. (Oral):

**CM-8237-CWP-2024 IN CWP-16629-2023
CM-8224-CWP-2024 IN CWP-16662-2023
CM-8265-CWP-2024 IN CWP-16722-2023
CM-8239-CWP-2024 IN CWP-19510-2023
CM-8226-CWP-2024 IN CWP-19542-2023**

For the reasons set out in the applications, which are duly supported by affidavits, the same are allowed. Consequently, the date fixed in the main cases is preponed from 30.07.2024 to 18.05.2024.

Main cases

For, learned counsel for the petitioner submits that the matter in issue in this bunch of 5 petitions is identical, these are being disposed of, vide a common order and judgment. However, the facts are being derived from CWP No.16629 of 2023 (Randhir Singh vs. Union of India and others).

The petitioner has prayed for the following substantive relief:-

“Civil Writ petition under Article 226/227 of the Constitution of India for issuance a writ in the nature of mandamus directing the respondents No.3 and 4 to decide the execution no.1480 of 2019 in complaint no.289 of 2018 titled as Randhir Singh Versus M/s J.O.P International Limited (Annexure P-5) in a time frame manner as the execution is pending for the last four years and despite various effective order passed in execution till date the order passed in execution no.1480 of 2019 has not complied with due to which the petitioner is suffering irreparable loss and injury.”

The records show that the Co-ordinate Bench, upon hearing the



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learned counsel for the petitioner on 04.09.2023, was pleased to pass the following order:

“Inter alia contends that the authority had allowed the complaint No.289 of 2018 on 26.09.2018 (Annexure P-3) by majority view of two members and certain directions had been issued including offering of possession and grant of compensation. Execution petition (Annexure P-5) had been filed against the private-respondent No.5 which was adjourned on several occasions. Thereafter, on 16.09.2021 (Annexure P-9), on the 15th hearing, the authority further directed the respondent to pay the entire outstanding dues of Rs.12,42,421/- by directing 50% of the amount to be paid by first week of October, 2021 and the remaining amount was to be paid upto 09.11.2021, failing which a show cause notice was to be issued to the respondent under Order 21 Rule 37 of CPC and the Managing Director had also been summoned.

Last opportunity was thereafter granted on 09.11.2021 (Annexure P-10). A settlement was thereafter arrived at in complaint No.1482 of 2019 (Annexure P-11) and the matter was thereafter adjourned. Reference has been made to various orders passed thereafter wherein proceedings had been deferred by the authority and attachment order was also issued in 2 complaints. It is submitted that thereafter various matters had been clubbed together and eventually the adjudicating officer is seized of the issue and has adjourned proceedings directing the authorities to settle the matter while referring to order dated 09.05.2023 (Annexure P-18) and thus necessary directions are sought.

Notice of motion to respondent Nos.2 & 5 only.

Mr. Aman Bahri, Addl., AG, Haryana accepts notice on behalf of respondent No.2-State and prays for time to file response.



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To come up on 10.10.2023 for service upon respondent No.5.

Photocopy of this order be placed on the file of other connected case (s)."

Learned counsel for the petitioner submits that due to non-execution of the decree, passed by the authorities, as back as on 26.09.2018, the petitioner continues to suffer. He has shared with us copies of few of the orders, passed by the Adjudicating Officer, in the execution proceedings, which are taken on record as Mark-A, B and C. And, a perusal whereof, shows that the matter has not made any tangible progress even though a period of nearly 6 years has gone by:

"Date of Hearing: 11.07.2023

Hearing: 21st in both executions

**Present: Mr. Sudeep Gehlawat, Advocate, Counsel for the complainants/decreed holders through VC in both executions
Mr. Vishal Garg, Advocate, Counsel for respondent/judgment debtor in both executions**

ORDER

Learned counsel for complainants/decreed holders has stated that neither any settlement has been arrived at nor order under execution has been complied with. Mr. Vishal Garg, Advocate, learned counsel for the respondent/judgment debtor has sought more time to amicably settle all above-captioned execution cases.

2. Respondent/judgment debtor is again directed to settle the matters amicably or comply with the order under execution, failing which penalty already imposed in the previous order dated 14.03.2023 will become operative.

3. Adjourned to 23.08.2023."



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“Date of Hearing: 23.08.2023

Hearing: 22nd in both executions

**Present: Ms. Navneet, Advocate, proxy counsel for the complainants/decreed holders in both executions
Mr. Tajeshwar Singh, Advocate, proxy counsel for respondent/judgment debtor in both executions**

ORDER

Learned counsel for respondent/judgment debtor has sought more time to comply with the order in both execution cases.

2. Last opportunity is being granted to respondent/judgment debtor to comply with the order under execution, failing which penalty already imposed vide order dated 14.03.2023 will become operative.

3. Adjourned to 17.10.2023.”

“Date of Hearing: 13.12.2023

Hearing: 22nd in both executions

**Present: Mr. Ravi, proxy for Mr. Sudeep Gehlawat, Advocate, Counsel for decree holders in both executions
Mr. Vishal Garg, Advocate, counsel for judgment debtor in both executions**

ORDER

Learned counsel for judgment debtor has sought some more time to comply with the order or amicable settlement of all above-captioned execution complaints.

2. Judgment debtor is again directed to settle the matters amicably or comply with the order under execution, failing which penalty already imposed in the previous order dated 14.03.2023 will become operative.

3. Adjourned to 05.03.2024.”

Learned counsel for the petitioner submits that apparently, the respondent-judgment debtor has been able to delay the execution proceedings for no plausible reasons, as neither it has any intent to resolve the dispute nor is willing to remit the decretal amount.



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The records show that respondent No.5 has still not been served, though is duly represented by its counsel before the Adjudicating Officer. Be that as it may, in the nature of the relief that has been prayed for, we are not determining the *lis* on merits or the rights and obligations of the parties, pursuant to the contract they had entered into. As indicated above, in essence, all that is being prayed for is to direct respondents No.3 and 4 to decide the execution No.1480 of 2019 (arising out of a complaint No.289 of 2018), within a specified time. Thus, in conspectus of the above, we consider it just and expedient to direct the Adjudicating Officer to proceed with the execution proceedings and dispose of the matter without any undue delay. Though, the order that is being passed hardly causes any prejudice to the private respondent, but be that as it may, just in case, respondent No.5, is aggrieved in any manner, it shall be at liberty to move an appropriate application in these petitions, if so advised.

In the wake of the position sketched out above, the petitions are accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.05.2024
Manoj Bhutani

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