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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CM No. 20739-CII of 2018 in/and
CR No. 7197 of 2017
Date of Decision: 09.10.2018

M/s Shree Chamundeshwari Sugars Limited and another
....Petitioners
Vs
M/s Spray Engineering Devices Limited
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Dassaur, Advocate,
for the applicants-petitioners.

Mr. Ish Mahajan, Advocate, for
Mr. Vinod Kumar, Advocate,
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

CM No. 20739-CII of 2018

For the reasons mentioned in the application, the
application is allowed and the accompanying documents are
taken on record, subject to just exception.

Main case

At the time of issuance of notice of motion on
13.10.2017, following order was passed:-

"Heard.

Notice of motion for 20.12.2017.

In the meantime, the petitioners shall

deposit an amount of Rs.30 lakhs within a period of 15 days and another amount of Rs. 30 lakhs within a period of 15 days thereafter.

In case the petitioners deposit an amount of Rs. 30 lakhs within 15 days, the Executing Court shall not proceed with the execution till next 15 days. In case the petitioners deposit Rs. 60 Lakhs in terms of the order passed by this Court, execution proceedings shall be kept in abeyance till the next date of hearing.

Petitioners have already deposited an amount of Rs.60 lacs with the Executing Court.

During course of hearing on 29.08.2018, petitioners were required to file an affidavit as to why the pending appeal before the lower Appellate Court was not argued despite order dated 20.12.2017 passed by the Co-ordinate Bench.

In response to the aforesaid query, the case was adjourned to 25.09.2018. On the adjourned date, learned counsel for the petitioners stated before the Court that the appeal has already been decided by the lower Appellate Court. A copy of judgment and decree of the lower Appellate Court was required to be placed on record by the petitioners.

Today, a photocopy of judgment and decree of the

lower Appellate Court has been placed on record.

Learned counsel for the petitioners states that the petitioners are contemplating to file RSA before the High Court.

Learned counsel prays for extension of interim protection till filing of the appeal and moving an application for appropriate interim protection therein.

At this stage, it can be noticed that since an amount of Rs.60 lacs has already been deposited with the Executing Court, interest of the decree holder would be protected if the said amount is allowed to be disbursed to the decree holder, subject to his executing solvent surety to the satisfaction of the trial Court.

Disposed of.

09.10.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No