

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

CR No.3806 of 2018

Date of Decision : 01.02.2019

M/s Adigear International and others

..... Petitioners

Versus

M/s Tex Corp. Limited

..... Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gurmohan Singh Bedi, Advocate
for the petitioners.

Mr. Vivek Aggarwal, Advocate
for the respondent.

SUDIP AHLUWALIA, J. (ORAL)

It transpires that the petitioners failed to comply with the initial order dated 31.05.2018 in the Letters Patent and their application for modification of the same (CM No.12564-CII of 2018) was dismissed by this Court on 11.10.2018.

The petitioners thereafter approached to the Hon'ble Supreme Court against dismissal of the said application in SLP (Civil) No.40202 of 2018 which in turn was disposed off by the Apex Court on 16.11.2018 with a liberty to the petitioners to directly approach the Execution Court for short extension of time till the final decision on its application under Order 9 Rule 13 of the Code of Civil Procedure (for short 'the CPC') was taken up and the Execution Court was further directed to pass orders regarding the "actual quantification" before proceeding further into execution, and the execution case was ordered to be stayed in the event of the petitioners depositing the quantified amount.

However, the original application under Order 9 Rule 13 of the CPC is now reported to have already been disposed off by the Ld. Trial Court on 30.10.2018, before the SLP could be decided and the petitioners' claim that this fact was not within their notice when the matter came up before the Hon'ble Supreme Court.

Be that as it may, the particular order against which the present revision was filed no longer survives since the main application under Order 9 Rule 13 of the CPC has already been disposed off, on account of which the prayer for stay of execution during its pendency is rendered non-maintainable.

In the given circumstances, the present revision is dismissed as having been rendered infructuous. However, Ld. Counsel for both the sides are *ad idem* that final hearing in the appeal against dismissal of the order under Order 9 Rule 13 of the CPC was completed by the concerned Appellate Court on 19th of January, 2019 after which orders were reserved, and which have not been pronounced till date.

In these circumstances, despite dismissal of the revision petition for the obvious reason that it has been rendered infructuous, it is nevertheless directed that no coercive steps against the petitioners shall be taken till the pronouncement of the final decision by the Ld. Appellate Court.

(SUDIP AHLUWALIA)
JUDGE

February 01, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No