

(108) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.3318-CII of 2019 and
CR No.951 of 2019
Date of decision: 08.02.2019

Dharamveer Singh Choudhary

.... Petitioner

Versus

M/s Cholamandalam Investment and Finance Company Ltd. through its
Manager Legal Home Equity and another

.... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

B.S. WALIA, J. (ORAL)

CM No.3318-CII of 2019

Allowed as prayed for.

Main Case

[1] Learned counsel contends that although the application of the petitioner for condonation of delay of late filing of the objections is pending adjudication after issuance of notice to the respondents, yet the application for stay of execution of award has been dismissed.

[2] Learned counsel states that the impugned order is legally unsustainable as stay ought to have been granted till the decision of the application regarding condonation of delay in late filing of the objections.

[3] Learned counsel further contends that the petitioner is willing to make the entire payment of the amount owed to the respondents within three months from today.

[4] Notice of motion to contesting respondent No.1 only.

[5] Ms. Puja Chopra, Advocate, who is present in Court, accepts notice on behalf of respondent No.1. She has filed memo of appearance in Court today and undertakes to file power of attorney during the course of the day. Memo of appearance filed by respondent No.1 is taken on record.

[6] Offer made by learned counsel for the petitioner to deposit amount of ₹ 10 lakh by 31.03.2019 and the balance amount as per awards dated 21.09.2017 within three months from today is acceptable to respondent No.1 as per instructions received by learned counsel for respondent No.1 from Sh. Vikas Manchanda, Law Officer of respondent No.1.

[7] In the light of the position as noted above, the impugned order dated 05.01.2019 is set aside. Petitioner shall make payment of ₹ 10 lakh to respondent No.1 on or before 31.03.2019 and the balance payment as per awards dated 21.09.2017 within three months from today. In the meantime, no coercive steps shall be taken by respondent No.1 against the petitioner. On full payment of the amount by the petitioner to respondent No.1, the matter shall stand settled between the parties and the execution petition shall be withdrawn by respondent No.1 by moving an appropriate application.

[8] Revision petition is disposed of in the aforementioned terms.

(B.S. Walia)
Judge

08.02.2019
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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |