

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

**CR No.1348 of 2019(O&M)
Date of Decision: 07.03.2019**

Mahender and others

.....Petitioners

Versus

M/s Vishal Nirmti Pvt. Ltd. and others Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Mukesh Rao, Advocate
for the petitioners.

Mr. Saurabh Gautam, Advocate
for respondent No.1/caveator.

RAJ MOHAN SINGH, J.(Oral)

[1]. Learned counsel for respondent No.1/caveator placed on record photostat copy of order dated 07.01.2019 passed by the executing Court. Copy of the same has been supplied to the learned counsel for the petitioners.

[2]. After perusal of the said order, learned counsel for the petitioners submitted that there is no order of attachment passed by the executing Court, therefore, the impugned is not appealable in nature. In second leg of his arguments, learned counsel for the petitioners submitted that even the order is held to be appealable, still the High Court in exercise of its powers

under Article 226/227 of the Constitution of India can interfere in the case as the petitioners are seeking enforcement of their fundamental rights and failure to comply with the principles of natural justice would entail in jurisdictional error committed by the trial Court.

[3]. There is no dispute with regard to the proposition, but the same cannot be appreciated as a mandatory rule to interfere in all orders which are appealable in nature. In earlier case i.e. **CR No.1117 of 2019** titled **S.R. Construction and others Vs. M/s Vishal Nirmiti Private Limited and another** decided on 20.02.2019, this Court has already relegated the petitioners to the remedy of appeal and thereafter, **EFA No.3 of 2019** titled **SR Construction and others Vs. M/s Vishal Nirmiti Private Limited and another** was filed and the same has been decided by the Co-ordinate Bench of this Court.

[4]. In view of above, the petitioners may resort to remedy of appeal or any other remedy in accordance with law.

[5]. Disposed of.

07.03.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No