

S.No.119

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

CR No.333 of 2020 (O&M)

Date of Decision:17.01.2020

Harpal SinghPetitioner

Vs.

Smt. Joginder KaurRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. R.K. Singla, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition filed by the judgment debtor challenging the order dated 09.01.2020 passed by the Executing Court whereby the application filed by the present petitioner/ judgment debtor seeking adjournment of the execution proceedings sine die, has been declined.

Arguing the case, learned counsel for the petitioner has submitted that undisputedly the suit filed by the decree-holder, respondent has been allowed by the trial Court and even the appeal filed by the present petitioner/ judgment debtor has been dismissed by the Lower Appellate Court, however, the petitioner has preferred Regular Second Appeal No.4670 of 2019. During the hearing of the said Regular Second Appeal, although this Court had not gone into the merits, however, to explore the possibilities of amicable settlement, the parties were referred to the Mediation Centre of this Court. The mediation proceedings are still pending. Hence, the application was moved before the Executing Court with a prayer to keep the hope of amicable settlement alive, and accordingly, for adjourning the execution proceedings sine die. However, the Executing Court has wrongly declined the said application.

Having heard the learned counsel for the petitioner, and having perused the paper book, this Court does not find any force in the submission

made by learned counsel for the petitioner. Although during the hearing of RSA, the matter was referred to the Mediation Centre of this Court, however, no fruit has been born out of that effort. Even the counsel for the petitioner has submitted that pursuant to the order passed by this Court, the respondent/ decree holder had appeared before the Mediation Centre of this Court. However, she has not shown any interest in the amicable settlement.

Still further, the record shows that even in the execution proceedings, a statement has been made by the counsel for the decree holder that the decree holder is not interested in any amicable settlement. Hence, there was no reason or occasion for the Executing Court to accede to the request made by the petitioner for adjourning the execution proceedings sine-die. Needless to say that there is no stay against the decree even from the High Court as of today. The effort of conciliation has not led in any positive direction.

Therefore, this Court does not find any illegality or irregularity in the order passed by the Court below. Hence, finding no merit in the present petition, the same is dismissed.

January 17, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No