

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CR No.2074 of 2020

Date of Decision: 24.11.2020

Shashi Kant (deceased) through his LRs ---Petitioners

versus

Bina Chopra through GPA Ashwani Chopra ---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Deepanshu Mehta, Advocate
 for the petitioners**

Rekha Mittal, J.

Counsel for the petitioners would state that application for condonation of delay filed before the Court in Appeal is pending for 26.11.2020. He would pray that the matter may be adjourned to await outcome of the said application.

Perusal of averments made in the petition and various documents annexed thereto would reveal that Bina Chopra filed suit for recovery against Shashi Kant through his LRs (petitioners herein) and the same was decreed. The decree-holder filed an application for execution of money decree wherein warrants of attachment were issued by the Executing Court against which the petitioners have come before this Court.

The petitioners have filed an appeal against said decree of the trial Court with an application for condonation of delay, pending consideration of the Appellate Court. The Executing Court is always at liberty to proceed with the execution proceedings unless there is a stay granted by the Appellate Court or the Court which passed the decree. In the

given circumstances, I do not find any reason to interfere in the Executing Court proceeding with the execution proceedings. Accordingly, the petition stands disposed of.

However, nothing stated herein before shall cause prejudice to right of the petitioners to file an application for stay either before the Court which passed the decree or the Appellate Court, in accordance with law.

(Rekha Mittal)
Judge

24.11.2020

SANGEETA

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No