

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

110

**CR No. 5926 of 2019
Date of decision : 9.1.2020**

Gurvinder Singh

.....Petitioner

Vs.

Sundraram Finance Limited and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. L.S. Sidhu, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 227 of the Constitution of India praying for quashing/setting aside the order dated 16.8.2019, passed by Additional District Judge, Ferozepur, whereby the alternative relief of adjourning the case sine die till the final disposal of the objection petition under Section 34 of the Arbitration and Conciliation Act, 1996, was dismissed.

A perusal of the file shows that the Court below has rightly rejected the application filed by the petitioner, through which it was prayed that the execution proceedings be adjourned sine die. The Court below has categorically recorded that no stay order from any competent Court has been produced before that Court against the decree under execution. Even today, learned counsel for the petitioner is not in a position to point out any stay from any competent Court against the execution of the decree. If any proceedings has been initiated against the order of proceeding ex-parte during the arbitration, then the petitioner may pursue that, however, merely due to pendency of any such proceedings, execution cannot be stayed. Hence, the

Court below has not committed any illegality or perversity in declining the

application filed by the petitioner.

Accordingly, finding no ground to interfere with the order dated 16.8.2019, passed by the Court below, the present petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

9.1.2020
Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No