

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CR-191-2021 (O&M)
Date of decision: 04.02.2021

Kamal Kant Jain (Deceased) through LRs

.....Petitioner(s)

versus

Surinder Singh (Deceased) through LRs and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: None.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

CM-1011-CII-2021

The present application has been filed by the applicants-petitioners *inter alia* with a prayer to bring on record the LRs of petitioners as well as respondent No.1.

Notice of the application.

For the reasons mentioned in the application, the same is allowed.

LRs of petitioner as well as respondent No.1, are taken on record.

Registry to do the needful.

Main case

Petitioners, who are LRs of Kamal Kant Jain, have filed the present petition under Article 227 of the Constitution of India *inter alia*

with a prayer to issue directions to the learned Trial Court/Executing Court to conduct the proceedings of the Execution Petition No.1422 of 2018 filed by the petitioner on day-to-day basis and to conclude the same within a period of one month, in view of the judgment and decree dated 27.10.2017/10.08.2018, passed by the Hon'ble Supreme Court of India in Civil Appeal No.17321 of [2017@SLP](#)(C) No.25493 of 2008 (Annexure P-4).

Perusal of the petition would show that judgment dated 27.10.2017, passed by the Hon'ble Supreme Court of India, has been appended as Annexure P-4, wherein, a direction was given to the appellant to pay balance amount of sale price and had also issued other directions. It is pleaded in the petition that Mr. Kamal Kant Jain had died on 01.03.2020. In para No.3(XXIII), it has been inter alia pleaded that the petitioner-plaintiff had approached the learned Court of Civil Judge, Junior Division, Chandigarh for execution of decree by way of filing Execution Application No.1422 of 2018. It has been then pleaded that on 37 occasions, the hearing of the execution was fixed, however, it has not been finally decided till date.

Through the present revision petition, inter alia prayer has been made to issue appropriate directions to the Executing Court to decide the Execution Petition expeditiously, preferably within a period of one month.

In view of the peculiar facts and circumstances noticed above, this Court deems it appropriate to direct the Executing Court to decide the Execution Petition as expeditiously as possible, preferably within a period of two months from the next date fixed before it.

With the above observations, the present petition stands disposed
of.

(GIRISH AGNIHOTRI)
JUDGE

04.02.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No