

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

CR-2127-2021

Date of Decision: 05.10.2021

LIKHI RAM AND ANOTHER

..... Petitioner(s)

Versus

M/S. B.T.V.S. BUILDWELL PVT. LTD. AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amit Jhanji, Sr. Advocate with
Ms. Nikita Garg, Advocate
for the petitioners.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Petitioners seek expeditious disposal of execution proceedings, pending before the learned Civil Judge (Junior Division), Gurugram, as detailed in the petition.

Learned senior counsel for the petitioners submits that learned Executing Court has grossly erred while observing in order dated 03.03.2020 (Annexure P-10) that though interim order dated 25.09.2019 was not specifically extended by the learned 1st Appellate Court, it shall be deemed to be in force or in operation or in subsistence until and unless specifically vacated in view of the judgments of the Hon'ble Supreme Court in *Rahul S. Shah Vs. Jinendra Kumar Gandhi and others, (2021) 6 SCC 418, Ashok Kumar and others Vs. State of Haryana and another (2007) 3 SCC 470, Arjan Singh Vs. Punit Ahluwalia and others (2008) 8 SCC 348,*

Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation (2020) 4 Crimes 116 and Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation (2018) 16 SCC 299.

Doubtlessly the Hon'ble Supreme Court in **Rahul S Shah's** case (supra) has held that the Executing Court must dispose of execution petitions within six months from their date of filing, which may be extended only by recording reasons in writing for such delay. Slew of directions have been issued by the Hon'ble Supreme Court in this matter for expeditious disposal of execution petitions. The Hon'ble Supreme Court in the case of *Asian Resurfacing of Road Agency Pvt. Ltd.* (supra) has dealt with the tenure of interim orders granted in various proceedings.

However, learned senior counsel is unable to deny that order dated 03.03.2020 is not under challenge in this revision petition, as the same was an order passed in a miscellaneous application filed by the respondents seeking dismissal of the execution petition filed by the present petitioners. Said application was disposed of by the learned Executing Court while observing that execution petition cannot be dismissed but specific orders from the Appellate Court shall be awaited regarding vacation or extension of interim order dated 25.09.2019.

In this view of the matter, this revision petition is disposed of with liberty to the petitioners to file an appropriate application before the learned Executing Court bringing to its notice, abovesaid judgments of the Hon'ble Supreme Court.

In case, such an application is filed by the petitioners within two weeks of receipt of certified copy of this order, same be decided by the learned Executing Court expeditiously in accordance with law, preferably within four weeks, after affording due opportunity to the concerned parties.

This revision petition is accordingly disposed of.

05.10.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No