

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

**1. FAO-CARB.-16-2021
Date of decision : 10.11.2021**

Sunil Mohan Wig and othersAppellants

V/S

M/s Modern Credit Pvt. Ltd.Respondent

**2. FAO-CARB.-17-2021
Date of decision : 10.11.2021**

Sunil Mohan Wig and othersAppellants

V/S

M/s Modern Credit Pvt. Ltd.Respondent

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

**Present: Mr. Prateek Rathee, Advocate
for the appellants.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

The above two appeals are being disposed of by this single judgment as common questions of law and facts are involved therein.

The prayer in this appeal is primarily for suspension of the operation of the order dated 26.10.2021 passed by the Presiding Judge Exclusive Commercial Court, Gurugram, to secure the presence of the appellants warrant of arrest was issued against them for 02.12.2021. Challenge is also made to the order dated 28.10.2021 to the extent that the application for recall of the order dated 26.10.2021 stands dismissed by this

order.

Learned counsel for the appellants states that there were two applications moved by the appellants before the Presiding Judge Exclusive Commercial Court at Gurugram on 28.10.2021. One was for recall of the order dated 26.10.2021 and the other was for amicable compromise/settlement which was being entered into between the appellants and the respondents. Appellants, who are judgment debtors had made such submissions before the learned Presiding Judge Exclusive Commercial Court at Gurugram, which has been rejected doubting the bona fide of the appellants. He contends that in case the order dated 26.10.2021 is executed, the appellants would not be in a position to appear before the Court on 11.11.2021 for settlement/compromise. The whole exercise with regard to the settlement shall be put to naught and therefore, he submits that the impugned orders to that extent may be either kept in abeyance or set aside.

Having considered the submissions made by the counsel for the appellants and keeping in view the fact that even the trial Court has issued notice in the application which has been moved by the appellant for compromise for 11.11.2021, we are of the opinion that an opportunity must be given to the parties to settle the matter amicably as has been asserted by the appellants in the application which was moved before the trial Court.

We, accordingly, keep the order dated 26.10.2021 in abeyance till 12.11.2021, to enable the appellants to appear before the trial Court for recording of their settlement/compromise between the appellants i.e. the judgment debtors and the respondents i.e. the decree holders.

It is made clear that it would be open to the trial Court to extend the period of keeping the order in abeyance in case the Court is satisfied with regard to the bona fides of the appellants but it shall not be taken as a mandate on the part of this Court for keeping the order dated 26.10.2021 in abeyance beyond 12.11.2021.

With these observations, the present appeals stand disposed of.

Copy of this order be given *Dasti* to the learned counsel for the appellants under the signature of the Bench Secretary of this Court.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 10th, 2021
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No