

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-716-2022(O&M)
Date of decision:07.03.2022

AMRISH KUMAR JINDAL

...Petitioner

Versus

M/S GANESH IRON STORE AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay Kumar Jindal, Advocate, and
Mr. Divanshu Jain, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of direction to the Executing court to complete the execution proceedings, in a time bound manner.

The learned counsel representing the landlord while drawing the attention of the Court to the order passed in Civil Revision no.2284 of 2019 (M/s Ganesh Iron Store and another vs. Amrish Kumar Jindal and others, decided on 01.09.2021) and the order passed by the Supreme Court, on 18.01.2022, contends that the respondents did not furnish an undertaking. The partners/proprietor of the respondent-firm has filed various suits which are pending before the different Presiding Officers. He submits that the order of eviction which has been upheld even upto the Supreme Court is being, frustrated by filing the multiple suits and objections against them. The order passed by the Supreme Court on 18.01.2022, is extracted as under:-

“We are not inclined to interfere with the impugned order.

The Special Leave Petition is accordingly dismissed.

At the request of the learned counsel for the petitioner, time is extended till 30.06.2022 to hand over vacant and peaceful possession of the entire premises subject to furnishing of usual undertaking and damages to be assessed and paid as per the orders of the Courts below in this court within two weeks.

Pending application, if any, stands disposed of.”

In the considered view of the court, it would not be appropriate to pass any order, at this stage. However, the petitioner shall be at liberty to file an application while drawing the attention of the Executing Court to the various orders passed by the Courts with a prayer to expedite the disposal of the execution petition. The petitioner shall also have the liberty to file an application before the Court of learned District & Sessions Judge, Ludhiana, to transfer or consolidate all the suits which have been filed to avoid any contradictory orders.

Since, this order has been passed without issuing notice to the respondents, hence, they shall have liberty to file an application for recall of this order, if advised.s

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

March 07, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No