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

CR-1811-2022 (O&M)

Date of decision : 21.07.2022

Dr.Bhoj Raj Garg

...Petitioner

Vs.

**Goyal Education and Welfare Society
and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. O.P.Goyal, Senior Advocate with
Ms. Parul Aggarwal, Advocate for the petitioner.

MANOJ BAJAJ, J.

CM-6768-CII-2022

Application is allowed as prayed for.

Documents are taken on record.

Main case

Decree-holder (petitioner) has approached this Court to challenge the order dated 27.04.2022 (Annexure P-4) passed by Civil Judge (Senior Division), Faridabad, whereby the executing court proceeded to dismiss his application for pre-ponement/early hearing of the case bearing Execution No.190/2019, titled “Bhoj Raj Garg Vs. Goyal Educational and Welfare Society etc.”.

Learned senior counsel has argued that the subject execution petition arises from judgment and decree dated 18.01.2019, which was filed on 20.03.2019, but the same is pending for a long time and the

Executing Court fell in error in dismissing the application for pre-ponement. In support of his argument, he has relied upon the decision of Hon'ble Supreme Court of India in “**Rahul S.Shah Vs. Jitender Gandhi and others**”, **2021 AIR (SC) 2161**, which has laid down a period of six months for disposal of the execution petition from the date of filing.

During the course of hearing, it is not disputed by learned senior counsel that subsequent to the filing of the execution petition (Annexure P-2), the decree-holder had moved an application under Order VI Rule 17 CPC to seek amendment and the same was allowed on 13.07.2022. He further states that the execution petition is being contested by only defendant No.4 as the rest of the defendants have been proceeded against *ex parte*.

Considering the above background, particularly the fact that the amendment of the execution petition has been allowed just a few days back, this Court is not inclined to exercise the superintendence powers under Article 227 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

21.07.2022

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