

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

(114)**CR-5727-2022****Date of Decision: 14.12.2022**

M/s Shri Gokal Village Bulara and Anr.

...Petitioners

Versus

M/s Ashutosh Steels and Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manuj Nagrath, Advocate, for the petitioners.

Mr.Chandeep Singh, Advocate, for respondents No.1 and 2.

HARKESH MANUJA, J.(ORAL)

By way of present revision petition, challenge has been made to an order dated 07.11.2022 (Annexure P-7) passed by the Court of learned Additional Civil Judge (Sr. Divn.), Ludhiana, whereby the objections filed by the petitioner-Judgment Debtor have been dismissed and the first appeal along with an application filed under Order 41 Rule 5 CPC is pending before the learned Additional District Judge, Ludhiana.

The only grievance raised by the petitioners-Judgment Debtors (hereinafter to be referred as 'JDs') at this stage in the present revision petition is that the first appeal filed by the petitioners along with an application under Order 41 Rule 5 CPC is not being adjudicated upon whereas, on the other hand, respondents-decree holders are pressing for the execution proceedings. Notice of motion was issued vide order dated 05.12.2022. In pursuance thereof, respondents have appeared and submitted that the only effort of the petitioner/JD is to delay the execution proceedings.

I have heard learned counsel for the parties and have gone through the records of the case.

In the first appeal filed at the instance of petitioners/JDs along with the application for stay, notice already stands served upon respondents-decree holders, however, the stay application has not been adjudicated upon so far whereas, on the other hand, respondents-decree holders are pressing for execution.

In view of the aforesaid, I deem it appropriate to direct the petitioners/JDs to deposit the entire decreetal amount with the executing Court within a period of six weeks from today in order to establish their bona fide. The first Appellate Court shall make all efforts to decide the appeal along with the applications filed at the instance of petitioners, within a period of 6 months from the date of receipt of certified copy of this order.

In the meanwhile, subject to deposit of the aforesaid amount, warrant of attachment as issued by the Executing Court shall remain in abeyance.

Disposed of accordingly.

Pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

14.12.2022
anil

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