

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

216

CR-5544-2018 (O&M)**Date of decision: 16th May, 2023**

Dalip Chand (since deceased) son of Sh. Desh Raj through his legal
representatives and others

Petitioners

Versus

Davinder Nath Sharma (since deceased) son of Late Sh. Gopi Ram through
his legal representatives and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aayush Gupta, Advocate for the petitioners.

Ms. Pooja Chopra, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This revision petition is filed seeking quashing of order of the
Executing Court issuing warrants of possession of the shop in question.

2. Brief facts are that for resolving the partnership dispute
between the parties, the matter was referred for arbitration and the
proceedings culminated in award dated 29.1.1993. The award was made
Rule of Court on 17.10.2008. The award attained finality on dismissal of
the civil revision on 16.9.2009. In the execution petition filed by the
respondents, the petitioners (judgment debtors) were proceeded ex parte.

3. The grievance raised is that warrant of possession of a property
not pertaining to dispute has been issued.

4. From the perusal of the impugned order, it is forthcoming that
the petitioners were proceeded ex parte and in their absence the impugned

order dated 7.7.2018 was passed.

5. Without commenting on the merits of the case and considering the order dated 7.7.2018 passed at back of the petitioner, impugned order is set aside. The Executing Court will grant opportunity of hearing to the respondents and after deciding the objections raised by the petitioners shall proceed with the execution in accordance with law.

6. There is no doubt considering that the award pertains to year 1993, an earnest effort would be made with the co-operation of the parties to dispose of the execution proceedings expeditiously and no unwarranted adjournment shall be granted to the parties.

7. The petition is disposed of.

8. Since the main case has been disposed of the pending application(s), if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

16th May, 2023
anuradha

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No