

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(262)

CR No. 1936 of 2021
Date of Decision : 15.03.2023

Reliance Communications Ltd.

...Petitioner

Versus

Daya Rani and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.K. Singal, Advocate for the petitioner.

Mr. Swarn Singh Tiwana, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

In the present civil revision petition, the challenge is to the order dated 04.01.2020 (Annexure P-12) passed by the Executing Court.

Learned counsel for the petitioner argues that keeping in view the fact that the judgment debtor i.e. Reliance Communication Ltd. is before the National Company Law Tribunal, Mumbai Bench, Section 14 of the Insolvency and Bankruptcy Code, 2016 comes into operation, which prohibits the execution of any judgment hence, the execution proceedings being initiated by the respondents are liable to be stayed till the proceedings are pending before the National Company Law Tribunal, Mumbai Bench.

Learned counsel for the respondents has not been able to dispute the proposition of law in the present case but submits that liberty be given to the respondents to file appropriate application before the Executing

Court upon the conclusion of the proceedings before the National Company Law Tribunal, Mumbai Bench in case, the right to execute the judgment still exists.

Learned counsel for the petitioner does not raise any objection to the said proposal.

Keeping in view the above, the order dated 04.01.2020 (Annexure P-12) passed by the Executing Court is set-aside and the execution proceedings be adjourned sine-die with liberty to the respondents to file appropriate application for the revival of the execution proceedings after the culmination of the proceedings pending before the National Company Law Tribunal, Mumbai Bench qua the judgment debtor in case, right with decree holders still exists for the execution of the judgment and decree in question.

The present civil revision petition is allowed in above terms.

March 15, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No