

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

116

CR No.2064 of 2023

Date of Decision: 10.04.2023

Raghuveer Singh

...Petitioner

Versus

Ram Chander

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Priyanshu Kamra, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

The prayer in the present revision petition filed under Article 227 of the Constitution of India is for directions to the executing Court to adjudicate upon the applications filed for making the sale absolute, issuance of sale certificate and for issue of warrants of possession, in a time bound manner.

It is pleaded that the petitioner had filed suit for possession by way of specific performance of agreement to sell dated 21.10.2016, with consequential relief of permanent injunction. The said suit was decreed in favour of the petitioner vide judgment and decree dated 04.10.2018, whereby the defendant-respondent was directed to execute and register the sale deed in favour of the petitioner and consequent relief of permanent injunction was also granted, restraining the defendant from alienating the suit property.

It is submitted that no appeal was filed against the judgment and decree dated 04.10.2018 but execution proceedings were taken out in that regard. On 28.03.2022, an application under Order 21 Rule 92 CPC for making the sale absolute along with another application under Order 21 Rule 94 CPC for issuance of the sale certificate and third application under Order 21 Rule 95 CPC for issuance of warrants of possession had been filed. Notice of the said applications was issued to the judgment-debtor, who is represented through counsel before the executing Court. It is submitted that the said applications are pending adjudication and are being adjourned date after date.

Learned counsel for the petitioner places reliance on ***Rahul S. Shah vs. Jinendra Kumar Gandhi***, AIR 2021 SC 2161, wherein the Apex Court has issued a slew of directions, holding that execution proceedings should be concluded within six months.

It is contended that in the present case, the execution proceedings were instituted on 21.11.2018 and vide order dated 30.11.2021 local commissioner was appointed to get the sale deed executed in favour of the decree-holder, which was registered in the office of Sub-Registrar, Abohar. Till date, no objections have been filed in the execution proceedings.

Learned counsel for the petitioner also places reliance on the order dated 18.11.2022 passed by the Apex Court in SLP (C) No.19654/2022, which reads as under:-

“The complaint of the petitioner is that the Execution Court is not abiding by the directions issued by this Court in the decision in Rahul S. Shah vs. Jinendra Kumar Gandhi and

others, reported in (2021) 6 SCC 418. In the said decision, this Court held as follows:-

“42. All Courts dealing with suits and execution proceedings shall mandatorily follow the below mentioned directions:-

2. The Executing Court must dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.”

This means that it becomes the duty of the Execution Court to dispose of the execution proceedings at the earliest and since this Court has directed that the Execution Court must dispose of the execution proceedings within six months from the date of filing, which can be extended only by recording reasons in writing for such delay, this direction is meant to be observed. This would mean that every effort should be made to dispose of the execution petition within the said time limit and the Execution Court should have reasons for not being able to dispose of the execution petition. The Execution Court is duty bound to record reasons in writing when it is unable to dispose of the matter.

We need only reiterate what this Court has already ordered.

Subject to these observations, the Special Leave Petition is disposed of.

Pending interlocutory application(s), if any, is/are disposed of.”

Heard learned counsel for the petitioner and with his able assistance perused the paper-book.

It is not disputed that the suit for possession by way of specific performance of agreement to sell dated 21.10.2016 was decreed vide judgment and decree dated 04.10.2018. In execution proceedings, the sale deed has also since been registered through Court on 14.12.2021. The

interlocutory orders passed in the execution proceedings have been collectively appended as Annexure P-5 with the present petition, which show that no objections or any stay order from any superior Court has been received in the said proceedings.

Keeping in view the law settled by the Apex Court and totality of the facts and circumstances of this case, the instant revision petition is disposed of with a direction to the executing Court to conclude the proceedings expeditiously, preferably within a period of four months from today.

(VIKAS SURI)
JUDGE

April 10, 2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No