

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-7444-2023 (O&M)
Date of Decision: 18.05.2023

AMIT MEHROTRA

... Petitioner

VERSUS

DISTRICT AND SESSIONS JUDGE AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Naresh Jain, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

CM-8903-CWP-2023

This is an application for placing on record the copy of the application dated 16.05.2023 as Annexure P-6.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

The application (Annexure P-6) is ordered to be taken on record.

Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN CASE

The present petition has been filed for seeking issuance of directions to the Executing Court to proceed expeditiously with the Execution Application bearing No.4 of 2021.

It is apparent from the perusal of the order sheets that the matter has been adjourned by the trial Court on the requests being made repeatedly by the counsel for the Decree Holder. Further, the contention raised by the learned counsel for the petitioner that no request had ever been made before the Executing Court cannot be accepted at this stage since the decree holder was not present nor his presence has been marked in the proceedings conducted before the Executing Court. Accordingly, he cannot swear the affidavit with respect to the proceedings that transpired in the Executing Court on the respective date. Counsel for the petitioner further apprises that the counsel appearing before the Executing Court has refused to give any affidavit to substantiate the fact that no adjournment was sought for by the decree holder. In the said circumstances, it cannot be accepted at this juncture that the counsel for the Decree Holder has not been asking for time.

Under the given circumstances, I do not find sufficient grounds for issuing any direction to the Executing Court at this stage on the request of the petitioner/Decree Holder to expedite the proceedings pending before it.

Faced with the above, learned counsel for the petitioner seeks withdrawal of the present petition on the ground that they have already moved an application before the Executing Court.

Disposed of as withdrawn.

18.05.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No