

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

2023:PHHC:150084

CR-5335-2019

Date of decision: 24.11.2023

SAI EDUCATION SOCIETY AND OTHERS

..Petitioners

Versus

M/S SHYAM BHATTA GRAMOUDYOG MANDAL

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Namisha Kapoor, Advocate
for Mr. Saurabh Dalal, Advocate
for the petitioners.

Mr. Amit Kumar Jain, Advocate
for Mr. S.K. Bhardwaj, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed against the interim order passed by the First Appellate Court on 03.08.2019. The Court has directed stay of execution of money decree, subject to the payment of bank guarantee of Rs.10,00,000/-.

2. On 02.09.2019, the following order was passed:-

“Submits inter alia that the value of the property under attachment by the Ld. Executing Court is many times of the value of the decree, and the petitioners are currently not in a position to furnish the bank guarantee required by the Ld. Appellate Court vide the impugned order dated 03.08.2019 since the property, in question, on the basis of which petitioners could have furnished the bank guarantee is itself under attachment in this case.

Learned counsel for the petitioners further submits that in case the said property is released from attachment, the petitioners undertake to furnish the requisite bank guarantee within a week.

Notice of motion for 13.09.2019.

Dasti only.

To be taken up immediately after the Urgent List.

Operation of the impugned order to the extent that the petitioner shall furnish bank guarantee of Rs. 10 lakhs within 30 days from the date of the order, shall remain stayed.”

3. The Court has been informed that the first appeal is listed on 01.12.2023, for arguments. The learned counsel representing the respondent submits that in the first appeal filed by the petitioner is not being decided due to the pendency of this revision petition and he has no objection if the interim order dated 02.09.2019, is ordered to continue till the disposal of the first appeal.

4. Keeping in view the aforesaid facts, this revision petition is disposed of while requesting the First Appellate Court to decide the pending appeal positively within a period of one month, from today.

5. Till the decision of the first appeal, the interim order dated 02.09.2019, shall continue to operate.

6. Disposed of accordingly.

7. All the pending miscellaneous applications, if any, are also disposed of.

November 24th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*