

128.

2023:PHHC:141846

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

CR-6660-2023

Date of decision: 07.11.2023

SUBHASH SETIA

.... Petitioner

Versus

ANJU BALA (SINCE DECEASED) THROUGH LRS Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

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

GURBIR SINGH, J. (Oral)

1. Prayer in the present revision petition filed Article 227 of the Constitution of India is for issuance of direction to the Executing Court below to adjudicate upon the Execution Application, EXE 335/2019 titled as *Subhash Setia Versus Anju Bala* (Annexure P-3) in a time bound manner, which is filed for execution of judgment and decree dated 13.07.2019 (Annexure P-2).

2. Learned counsel for the petitioner submits that the petitioner filed a suit for recovery on 07.09.2018, but during pendency, the respondent expired on 21.02.2019 and her LR's were brought on record and she was represented by her LR's. During trial proceedings, the matter was compromised between the parties and it was reduced into writing on 11.07.2019 (Annexure P-1). In terms of the compromise, the trial Court decreed the suit and accordingly, judgment and decree dated 13.07.2019 was

passed. But the respondents did not adhere to said decree and judgment based upon the compromise. Thereafter, the petitioner moved execution application on 19.12.2019 (Annexure P-3), but execution is being adjourned without any reason. Even the property of JD is not attached. Reliance is placed on the judgment of three Judges Bench of Hon'ble Supreme Court in ***Rahul S. Shah Versus Jinendra Kumar Gandhi and others, 2021 AIR (Supreme Court) 2161***, wherein it has been held that execution proceedings should be concluded within six months, whereas in the case in hand, the execution proceedings are pending since 19.12.2019.

3. Learned counsel for the petitioner submits that the petitioner would be satisfied if directions are given for expeditious disposal of the execution application.

4. Keeping in view the fact that execution is pending since 2019 and on so many adjournments, the execution has not been disposed of and the petitioner-decree holder has come to this Court for seeking said direction, the Executing Court is directed that an Execution Application (Annexure P-3) be disposed of expeditiously and ensure that no unnecessary adjournment is granted keeping in view the judgment rendered in ***Rahul S. Shah's case (supra)***.

5. Present petition stands disposed of accordingly.

(GURBIR SINGH)
JUDGE

November 7, 2023
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No