

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

**Civil Revision No. 7175 of 2023(O&M)
Date of Decision: 05.12.2023**

Imperia Wishfield Pvt. Ltd.

...Petitioner

Versus

M/s Prime IT Solutions Pvt. Ltd.

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Puneet Bali, Sr. Advocate with
Mr. Rishi Kapoor, Advocate,
Mr. Sachin Jain, Advocate and
Ms. Vinalikha Bassi, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking necessary directions to learned Civil Judge (Jr.Divn.), Gurugram for expeditious disposal of execution petition No. Exe-118 of 2021 titled M/s Imperia Wishfield Private Limited Vs. M/s Prime IT Solutions Pvt. Ltd.

2. The counsel for the petitioner, *inter alia*, submits that decree in question was passed on the basis of the compromise which was effected between the parties. On the basis of said compromise decree, the petitioner filed an execution application wherein certain directions were sought by the petitioner by filing separate application but the same was dismissed by the Executing Court vide order dated 16.08.2023 (Annexure P-16) while expressing opinion on the merits of the case. Being aggrieved, petitioner filed CR-4993 of 2023 wherein this Court issued notice of motion for 06.02.2024 while staying the operation of order (Annexure P-16). That after

the receipt of aforesaid interim order, the Executing Court has not proceeded further in the matter and rather adjourned the execution application to 29.04.2024 for awaiting further orders of this Court in CR-4993 of 2023. The counsel for the petitioner further submits that the learned Executing Court should have proceeded ahead with the execution application in accordance with law as the said proceedings were never stayed by this Court. The counsel for the petitioner while referring to order dated 22.04.2021 passed by Hon'ble Supreme Court in **Rahul S. Shah Vs. Jinendera Kumar Gandhi & Ors.**, having Civil Appeal Nos. 1659-1660 of 2021, decided on 22.04.2021, submits that now there are specific directions issued by the Hon'ble Supreme Court to the effect that the Executing Court must dispose of the execution proceedings within 06 months from the date of filing, which may be extended only by recording reasons in writing for such delay. The counsel for the petitioner further submits that necessary directions could be issued to the Executing Court to dispose of the execution application in a time bound manner in the light of the decision of Hon'ble Supreme Court in Rahul S. Shah's case (supra).

3. I have considered the submissions made by counsel for the petitioner.

4. Admittedly, the decree in question which is to be executed is a compromise decree. The Hon'ble Apex Court while dealing with a matter relating to execution of compromise decree elaborated the mode to be adopted by the Executing Court in order to execute compromise decree, in a case titled **Latim Lifestyle and Resorts Ltd. Vs. Saj Hotels (P) Ltd. & Ors.** having CA No. 677 of 2003, decided on 30.01.2003.

5. Now adverting to the facts and circumstances of the present case, it is evident that operation of order (Annexure P-16) has been stayed

by this Court vide order dated 31.08.2023 (Annexure P-17) passed in CR-4993 of 2023. From the perusal of Annexure P-18 which is order dated 04.09.2023 passed by the Executing Court, it appears that the said Court has adjourned the execution proceedings for awaiting of further orders of this Court in CR-4993 of 2023. Undoubtedly, the proceedings in the execution application have not been stayed by this Court vide order (Annexure P-17). So the Executing Court should have proceeded ahead with the execution proceedings and disposed of the same within time limit of six months, as per the directions given by Hon'ble Supreme Court in Rahul S. Shah's case (supra).

6. In light of the above, without commenting on the merits of the case, the present petition is hereby disposed of with direction to the Executing Court concerned to proceed ahead with the execution proceedings without granting unnecessary adjournments and to decide the matter in an expeditious manner in accordance with law as has been discussed above, specially keeping in mind the directions given by Hon'ble Apex Court in Rahul S. Shah's case (supra) by pre-poning the date of hearing in the matter, which is fixed for 29.04.2024. While proceeding ahead the Executing Court is not to be swayed by order (Annexure P-16) passed by it as well as order (Annexure P-17) passed by this Court.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if respondent feels dissatisfied with this order, respondent may move an application to recall the same.

05.12.2023

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No