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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 20.04.2023.

+ CM(M) 633/2023 & CM APPL. 19684/2023

G S BERAR AND CO PVT LTD & ANR. Petitioners

versus

TRANS ASIAN INDUSTRIES EXPOSITIONS
PVT. LTD. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Saurabh Anand Prakash, Mr. Utsav Jain and Ms. Shikha, Advs.

For the Respondent : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. Petitioner seeks direction from this Court to the learned Executing Court to expeditiously dispose of the execution petition which is pending since 2016.

2. Learned counsel appearing for the petitioner draws attention of this Court to the order dated 27.05.2021 passed by the Court in CM (Main) 216/2021 titled '*M/s G S Berar And Co. Pvt. Ltd. & Anr. Vs. Trans Asian Industries Expositions Pvt. Ltd.*' whereby this Court had

directed the executing Court to complete the execution proceedings as per law and dispose of the same within three months from 15.07.2021.

3. Learned counsel submits this was a consent order whereby the learned counsel appearing for the respondent had categorically submitted that he has no objection in case the said execution petition is disposed of as per law, in a time bound manner.

4. Learned counsel appearing for the petitioner submits that despite the aforesaid direction as also the no objection given by learned counsel appearing for the respondent, the executing court has not been able to dispose of the execution petition within the time as stipulated in the order dated 27.05.2021.

5. In fact, learned counsel appearing for the petitioner submits that despite passage of almost two years, the executing proceedings are moving at a snails pace. He further submits that the manner in which the execution petition is proceeding, the directions in the order dated 27.05.2021 have been rendered nugatory.

6. Learned counsel requests that the learned Executing Court be directed to dispose of the execution petition bearing No. 3081/2016 expeditiously.

7. Learned counsel appearing for the petitioner also submits that advance notice in terms of the directions of this Court, has already been served upon the learned counsel appearing for the respondent, which is at page 92 of the present petition.

8. This Court proceeds to dispose of the instant petition in accordance with Delhi High Court Circular No. 69/Rules/DHC dated 05.12.2019, which reads as under:-

“5. Appearance on the first date of listing:-

(a) Where a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is filed, any opposite party desiring to oppose any of the prayers made in such petition or in any interim application accompanying such petition shall appear personally or through counsel to make submissions as he / she may desire before the Court.

(b) In case any opposite party does not appear before the Court upon advance service of the petition, the Court may not issue any further notice to such opposite party and may pass any order(s) as it may deem fit and proper in the facts and circumstances of the case.”

9. This Court has heard the learned counsel appearing for the petitioner as also perused the order dated 27.05.2021 passed by this Court in CM (Main) 216/2021.

10. The ratio laid down by the Hon’ble Supreme Court in **‘Rahul Shah Vs. Jinendra Kumar Gandhi & Ors.’** reported in (2021) 6 SCC 418 also directed that the High Court, under its supervisory jurisdiction, must ensure that the pending execution petitions be disposed of expeditiously and wherever possible, within six months from the date of filing execution petition. In the present case, it is apparent that the execution petition was filed in the year 2016 and seven years have been already passed.

11. In view of the aforesaid observation, this Court deems it fit to direct the Executing Court to dispose of the Execution Petition 3081/2016 expeditiously, however, within a maximum period of eight weeks from today.

12. A copy of this order be sent to the respondents as well as to the Executing Court.

13. Learned counsel appearing for the petitioner informs that parties are appearing before the said executing court in an another suit on 25.04.2023. He further requests that the Executing Court be directed and accordingly, change the date of hearing in the present execution petition, which is stated to be listed on 23.05.2023 suitably, to 25.04.2023 or any other convenient date.

14. Learned Trial Court may also consider the aforesaid prayer.

15. The petition is disposed of in above terms.

TUSHAR RAO GEDELA, J .

APRIL 20, 2023/ms

