

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****131****CR-1800-2024 (O&M)****Date of Decision : 01.08.2024**

M/s Garjraj Steel Trader & Anr.

....Petitioners

VERSUS

M/s Sab Industries Limited & Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jaideep Verma, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the order dated 12.01.2024 (Annexure P-7) whereby the application filed by the JD-petitioners for staying the execution proceedings till decision of Civil Appeal No.CA/1034/2018 or in the alternative to adjourn the proceedings *sine die*, has been dismissed.

2. Learned counsel for the petitioners would contend that the suit for recovery was filed by the respondent No.1, which was dismissed by the Trial Court vide judgment and decree dated 01.06.1999. However, the appeal was partly allowed by the First Appellate Court vide judgment and decree dated 05.12.2005 decreeing the suit for recovery of Rs.2,14,420/-. The JD-petitioners herein preferred an appeal before this Court being RSA-2357-2006 which was dismissed by this Court vide order dated 12.01.2011. SLP was also preferred by the JD-petitioners which was dismissed by the Hon'ble Supreme Court vide order dated 04.07.2016. However, since the

JD-petitioners had filed a Civil Suit No.508 dated 11.12.1989 for recovery of Rs.3,87,398.16 paise, therefore, the execution proceedings ought to have been stayed.

3. Heard.

4. In the present case the suit for recovery filed by the respondent was initially dismissed by the Trial Court vide judgment and decree dated 01.06.1999. The First Appellate Court partly decreed the suit for recovery of Rs.2,14,420/- vide judgment and decree dated 05.12.2005. Regular Second Appeal being RSA-2357-2006 preferred against the judgment and decree dated 05.12.2005 was dismissed by this Court on 12.01.2011. SLP preferred by the petitioners herein was also dismissed on 04.07.2016. The judgment and decree thus attained finality and hence merely because a suit for recovery has been filed by the petitioners herein would not be a ground to stay the execution proceedings. No other ground has been urged.

5. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

01.08.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO