

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCR-1954 of 2019 (O&M)
Date of Order:29.04.2024

Saroop Singh(deceased) through his LRs

.Petitioner

Versus

Hukam Singh (deceased) through his LRS and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.R.Yadav, Advocate
for the petitioner.Mr. Ashish Gupta, Advocate and
Mr. G.S.Bidhan, Advocate
for respondent no.9(i)ANIL KSHETARPAL, J

1. The petitioner before this court is the Judgment Debtor in an execution petition. The Regular Second Appeal No.4908 of 2011 filed by the petitioner is pending in this Court.

2. In the Regular Second Appeal filed by the appellant on 14.12.2011, the operation of the impugned judgment was stayed by the Court while issuing the notice of motion. On 14.11.2017, the appeal was admitted for regular hearing and the interim order was directed to continue.

3. The Executing Court while relying upon the Asian Resurfacing of Road Agency Pvt. Ltd. and Anr. vs. Central Bureau of Investigation, 2018(1) Law Herald (SC) 12, has held that the life of an interim order after a period of six months comes to an end unless it is specifically extended. In a recent judgment passed by a Larger Bench in High Court Bar Association, Allahabad vs. State of U.P.and others(Criminal Appeal

No.3589 of 2023), decided on 29.02.2024, the Supreme Court has reversed the view taken in Asian Resurfacing of Road Agency Pvt. Ltd. and Anr.(supra).

4. Keeping in view the aforesaid facts, the impugned order dated 06.03.2019, is set aside. The revision petition is allowed.
5. All the pending miscellaneous applications, if any, are also disposed of.

April 29, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:YES/NO

Whether reportable:YES/NO