

CR-2517-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.134

CR-2517-2024

Date of Decision: 25.04.2024

M/S SAINIK CLINICAL LABORATRY AND ANOTHER

....Petitioners

Versus

STATE BANK OF INDIA

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kartik Gupta, Advocate,
for the petitioners.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the orders dated 15.01.2024 (Annexure P-8) and 06.04.2024 (Annexure P-17), passed by learned Trial Court, whereby the stay of the execution proceedings was denied to the petitioners.

It is submitted by learned counsel for the petitioners that, initially, the petitioners had suffered *ex parte* decree against them and had filed an application under Order 9 Rule 13 CPC, which was dismissed. Thereupon, they had filed an appeal, which is pending before learned Appellate Court. In the meanwhile, execution petition was filed and the petitioners had filed an application, thereby making a prayer for grant of stay before learned Executing Court and the same had also been dismissed vide the aforesaid impugned orders.

On query by the Court, it is submitted by learned counsel that the appeal has been filed and application for stay has also been filed.

Further, it is submitted that despite the case being adjourned, the

CR-2517-2024

application for stay is not disposed of and it shall be acceptable to him, if a direction is given to learned Appellate Court to dispose of the stay application, during the pendency of the appeal. On further query by the Court, it is disclosed by learned counsel for the petitioners that the next date of civil appeal i.e. CA-11-2024, fixed before learned Appellate Court is 30.01.2024.

Such being the position, in view of the submissions made by learned counsel for the petitioners, the present revision petition is disposed of, with a direction to learned Appellate Court to pass any appropriate order, with regard to the application for stay, on the date fixed i.e. 30.04.2024, or within a period of maximum seven days thereafter.

Till the decision of the stay application, within the time aforesaid given, the order of conditional warrant of arrest, as passed by learned Executing Court, shall remain in abeyance. However, it is made clear that abeyance of the order with regard to warrant of arrest, shall not be continued, beyond the time given by this Court for the disposal of the application for stay, by learned Appellate Court.

Learned Appellate Court shall pass any appropriate order qua stay application, while being uninfluenced by any of the observations, made in this order.

In view of the aforesaid terms, the present revision petition stands disposed of.

(ARCHANA PURI)
JUDGE

25.04.2024
Himanshu

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