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

CR-6469-2024

Date of decision: 25.11.2024

M/s Lovable Lingerie Limited

...Petitioner

Versus

M/s Superfine Knitters Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Animesh Sharma, Advocate for the petitioner.

Mr. Om Pal Sharma, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 26.04.2024 (Annexure P-1) whereby warrants of attachment have been issued attaching the Cash Credit Account of the petitioner and order dated 21.09.2024 (Annexure P-2) whereby an application for recalling of warrants of attachment has been dismissed.

2. On 07.11.2024, this Court had passed the following order:-

“Inter alia contends that the petitioner has filed an appeal against the judgment dated 02.04.2024 and in the said appeal, along with the application for delay, an application under Order 41 Rule 5 CPC for stay has also been filed and in the said appeal, notice has been issued on the delay application as well as on the application under Order 41 Rule 5 CPC for 16.08.2024 and now the case is listed for 07.11.2024 i.e., for today for appearance of the respondent. It



is submitted that at least till the time the application for condonation of delay and the application for stay is decided, the direction to transfer the decretal amount from the bank account of the J.D. to the bank account of the D.H. as passed in the order dated 21.09.2024, which has not been done till date, be stayed. It is submitted that for securing the rights of the D.H., the petitioner is ready to furnish bank guarantee of the decretal amount along with interest upto date.

Notice of motion to respondent no.1 for 25.11.2024.

Liberty is granted to the petitioner to serve the respondent no.1 through dasti process as well as through counsel before the trial Court.

To be shown in the urgent list.

Till the next date of hearing, the direction contained in the order dated 21.09.2024 to transfer the decretal amount from the bank account of the J.D. to the bank account of D.H., if not already done, is stayed.

It is made clear that in case respondent no.1 is not served till the next date of hearing, then the present interim order would be liable to be vacated.”

3. During the course of arguments, it has been brought to the notice of this Court that the main case along with application for condonation of delay as well as stay application are now listed for 06.03.2025. With the consent of learned counsel for both the parties, the present revision petition is disposed of in the following terms:-

- i) The First Appellate Court is requested to decide the application for condonation of delay and the stay application within a period of 10 days from 06.03.2025. The same be done in case the main appeal itself cannot be decided within the aforesaid period for any reason.



- ii) Learned counsel for respondent No.1 has submitted that they would appear in the said appeal and would be prepared to argue the matter on 06.03.2025 itself. Learned counsel for the petitioner has also stated that they would also be prepared to argue the matter on 06.03.2025 itself and would fully assist the Court in expeditious disposal of the applications for condonation of delay, stay as well as the main appeal.
- iii) The petitioner as undertaken before this Court would furnish bank guarantee of the decretal amount along with interest upto date, on or before 12.12.2024.
- iv) In case, the petitioner gives bank guarantee as aforesaid then till the time the application for condonation of delay along with stay application is decided, the amount from the bank account of the petitioner would not be deducted. Subsequent proceedings in the execution would depend upon the orders passed on the application for condonation of delay/stay application.
- v) It is made clear that this Court has not opined on the merits of the case and the First Appellate Court would independently consider the application for condonation of delay, stay application and the main appeal and it would be open to both the parties to raise all the pleas as are available to them in accordance with law before the First Appellate Court.

25.11.2024

Pawan

**Whether speaking/reasoned:-
Whether reportable:-**

**(VIKAS BAHL)
JUDGE**

**Yes/No
Yes/No**