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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2367-2026 (O&M)

Date of Decision: 12.03.2026

NATIONAL HIGHWAYS AUTHORITY OF INDIA

....Petitioner(s)

Versus

IQBAL SINGH

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Madhav Mehrotra, Advocate, for the petitioner.
(Through Video Conferencing).

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India for setting aside/quashing the impugned order dated 05.02.2026 passed by learned Additional District Judge, Bathinda, whereby learned Additional District Judge, Bathinda has issued conditional warrants against the Project Director, NHAI, despite the pendency of objections under Section 34 read with Section 36(2) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. Learned counsel appearing on behalf of the petitioner through video conferencing submitted that by way of the impugned order, the Executing Court has issued conditional warrants of arrest against the petitioner-judgment debtor. He submitted that the objections under Section 34 as well as an application under Section 36(2) of the Act are pending

before learned Additional District Judge but there is no interim order



passed by any Court in this regard and submitted that the impugned order is liable to be set aside.

3. I have heard the learned counsel for the petitioner.

4. As per the learned counsel for the petitioner, there is no interim order passed by any Court and the petitioner has impugned the order passed by the Executing Court, whereby the execution proceedings are being carried on and further orders have been passed for issuance of conditional warrants of arrest. The provision of Section 36 of the Act, as amended in the year 2015 provides that in the absence of any interim, the execution /enforcement of the award is to proceed. Section 36 of the Act is reproduced as under:-

“36.Enforcement- (1) Where the time for making an application to set aside the arbitral award under section 34 has expired, then, subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court.

(2) Where an application to set aside the arbitral award has been filed in the Court under section 34, the filing of such an application shall not by itself render that award unenforceable, unless the Court grants an order of stay of the operation of the said arbitral award in accordance with the provisions of sub-section (3), on a separate application made for that purpose.

(3) Upon filing of an application under sub-section (2) for stay of the operation of the arbitral award, the Court may, subject to such conditions as it may deem fit, grant stay of the operation of such award for reasons to be recorded in writing:

Provided that the Court shall, while considering the application for grant of stay in the case of an arbitral award for payment of money, have due regard to the provisions for grant of stay of a



money decree under the provisions of the Code of Civil Procedure, 1908(5 of 1908).".

Provided further that where the Court is satisfied that a prima facie case is made out that;-

(a) the arbitration agreement or contract which is the basis of the award; or

(b) the making of the award,

was induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge under section 34 of the award."

5. Hon'ble Supreme Court in ***"Rahul S. Shah Vs. Jitendra Kumar Gandhi and others"***, (2021) 6 SCC 418 and ***"Periyammal (Dead) and others Versus V. Rajamani and another"***, 2025 SCC Online SC 507 held that all the Executing Courts are bound to decide the execution applications within a period of six months. The relevant paragraphs of the judgment passed by Hon'ble Supreme Court in Rahul S. Shah's case (Supra) are reproduced as under:-

*"24. In respect of execution of a decree, Section 47 CPC contemplates adjudication of limited nature of issues relating to execution i.e. discharge or satisfaction of the decree and is aligned with the consequential provisions of Order 21 CPC. **Section 47 is intended to prevent multiplicity of suits. It simply lays down the procedure and the form whereby the court reaches a decision. For the applicability of the section, two essential requisites have to be kept in mind.** Firstly, the question must be the one arising between the parties and secondly, the dispute relates to the execution, discharge or satisfaction of the decree. Thus, the objective of Section 47 is to prevent unwanted litigation and dispose of all objections as expeditiously as possible.*



25. These provisions contemplate that for execution of decrees, executing court must not go beyond the decree. However, there is steady rise of proceedings akin to a retrial at the time of execution causing failure of realisation of fruits of decree and relief which the party seeks from the courts despite there being a decree in their favour. Experience has shown that various objections are filed before the executing court and the decree-holder is deprived of the fruits of the litigation and the judgment-debtor, in abuse of process of law, is allowed to benefit from the subject-matter which he is otherwise not entitled to.

26. The general practice prevailing in the subordinate courts is that invariably in all execution applications, the courts first issue show-cause notice asking the judgment debtor as to why the decree should not be executed as is given under Order 21 Rule 22 for certain class of cases. However, this is often misconstrued as the beginning of a new trial. For example, the judgment-debtor sometimes misuses the provisions of Order 21 Rule 2 and Order 21 Rule 11 to set up an oral plea, which invariably leaves no option with the court but to record oral evidence which may be frivolous. This drags the execution proceedings indefinitely.

27. **This is antithesis to the scheme of the Civil Procedure Code, which stipulates that in civil suit, all questions and issues that may arise, must be decided in one and the same trial.** Order 1 and Order 2 which relate to parties to suits and frame of suits with the object of avoiding multiplicity of proceedings, provides for joinder of parties and joinder of cause of action so that common questions of law and facts could be decided at one go.

(Emphasis supplied)”



6. The relevant portion of the judgment passed by Hon'ble Supreme Court in ***Periyammal (Dead) and others case (Supra)*** is reproduced as under:-

“77. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.”

7. This Court is of the considered view that in the absence of any interim order passed by any Court, the execution proceedings have to proceed. Learned counsel for the petitioner has not been able to show any illegality or perversity in the impugned order passed by learned Additional District Judge, which is the Executing Court. Therefore, this Court finds no merit in the present petition and the same is hereby dismissed.

12.03.2026

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No