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

**CR-2179-2026 (O&M)
Date of Decision: 09.03.2026**

Punjab Small Industries and Export Corporation and Limited and others
.... Petitioners

Versus

M/s Narula Build Well Private Limited
..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhilaksh Gaiind, Advocate &
Mr. Rakesh Roy, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 30.10.2025 (Annexure P-11) passed by learned Additional District Judge, Amritsar in execution application whereby the application for recall of the order dated 03.03.2025 has been dismissed and also for setting aside the order dated 03.03.2025 (Annexure P-7) whereby the right to file reply/objection of the petitioners has been directed to be struck off and consequently, the petitioners be allowed to file and place on record reply/objections.

2. Learned counsel for the petitioner submitted that the petitioners are the judgment debtors and an award has been passed against them. He further submitted that the objections under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') filed by the petitioners were dismissed by learned Additional District Judge, Amritsar. Against the aforesaid judgment, an appeal under Section 37 of the Act has been filed which is pending before this Court. However, no interim order has

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been passed by this Court in the said appeal.

3. Learned counsel further submitted that the respondent had filed an execution application against the petitioners for enforcement of the award. However, vide the impugned order dated 03.03.2025 (Annexure P-7), learned Additional District Judge, Amritsar struck off the right to file reply/objections of the petitioners/judgment debtors. Thereafter, the petitioners filed an application for recalling of the aforesaid order, which was also dismissed vide order dated 30.10.2025 (Annexure P-11). He also submitted that the right to file reply/objections of the petitioner/judgment debtors was struck off on the ground that the same had not been filed for a long period of time. He submitted that the reason for the delay was that the file was with the Head Office of the petitioners, which took considerable time to prepare and sanction the reply/objections. He further submitted that since now the reply is ready, the same may be considered and permitted to be filed before learned Executing Court after setting aside the impugned orders (Annexures P-7 & P-11).

4. I have heard the learned counsel for the petitioners and also perused both the impugned orders dated 03.03.2025 and 30.10.2025 (Annexures P-7 & P-11).

5. The petitioners are the judgment debtors and rather petitioner No.1 is a State Government Undertaking. An arbitral award was passed against the petitioners, against which objections under Section 34 of the Act were filed by them. These objections were dismissed and thereafter, an appeal has been preferred against the aforesaid order, which is pending before this Court, although no interim order has been passed therein. When execution application was filed by the respondent/decreed holder, then the



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petitioners appeared before learned Executing Court on 07.02.2024 but failed to file any reply or objections and it was after about one year i.e. on 03.03.2025, when the impugned order (Annexure P-7) was passed, that the right to file reply/objections of the petitioners was struck off because of the reason that the matter was being adjourned from time to time but the petitioners were not filing reply/objections. Thereafter, the petitioners filed an application for recalling of the said order which was dismissed vide order dated 30.10.2025 (Annexure P-11). The petitioners have also annexed the zimni orders passed by learned Executing Court from the date of their appearance i.e. 07.02.2024 (Annexure P-6). A perusal of the aforesaid zimni orders would show that the matter was adjourned approximately ten times by learned Additional District Judge, mostly at the petitioners' request for filing reply/objections and in this way, it is clear that it was because of the fault of the petitioners that the execution remained pending for about one year because of non-filing of the reply/objections and it appears that learned Executing Court even after waiting for one year and adjourning the matter for ten times, had no other option but to strike off the reply/objections of the petitioners/judgment debtors. 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. The reasoning given by learned counsel for the petitioners for non-filing of reply/objections was that the matter was pending consideration

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at their Head Office. This Court is of the considered view that the aforesaid reasoning given by learned counsel for the petitioners is not sustainable. Execution proceedings cannot be delayed merely on the ground that the file was pending with the Head Office of the petitioners, which is a State Government Undertaking. Execution proceedings, particularly in arbitration matters, cannot be delayed for such reasons. Rather, execution applications are required to be decided within a period of six months. However, a perusal of the zimni orders would show that on the first date of hearing, the counsel for the petitioners appeared and filed memo of appearance then on the next date of hearing, again appeared and filed Power of Attorney and it is like this for a number of times, the petitioners sought adjournment but failed to file reply/objections. Consequently, learned Executing Court had no option but to strike off the right of the petitioners to file reply/objections.

8. In view of the above, this Court is of the considered view that the present petition is devoid of merit and is hereby dismissed.

09.03.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |