



**CM-4222-CWP-2026 in/and
CWP-39531-2025** **1**

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

**(105) CM-4222-CWP-2026 in/and
CWP-39531-2025
Date of Decision : March 23, 2026**

Sanjay Kansal and another .. Petitioners

Versus

**Haryana Real Estate Regulatory Authority, Gurugram and another
.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. R.S. Dhull, Advocate, for the applicant-petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-4222-CWP-2026

Present application has been filed for recalling the order dated 16.02.2026, by which, the present writ petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 16.02.2026 is recalled and the writ petition is restored to its original number and status.

CWP-39531-2025

1. Learned counsel for the petitioner submits that only prayer of the petitioner is for deciding the execution petition pending before the RERA being application No. RERA-GRG-3804-2024, which is now fixed for 08.05.2026.



CM-4222-CWP-2026 in/and
CWP-39531-2025

2

2. We have heard learned counsel for the petitioners and have gone through the record with his able assistance.

3. Keeping in view the facts and circumstances of the present case, the RERA authorities are requested to decide the execution petition as expeditiously as possible keeping in view the judgment of the Hon'ble Supreme Court of India in **Rahul S. Shah vs. Jinendra Kumar Gandhi and other 2021 INSC 270**, wherein, time frame fixed by the Hon'ble Supreme Court of India for deciding execution application is six months. The relevant paragraph of the said judgment is as under:

“23. This court has repeatedly observed that remedies provided for preventing injustice are actually being misused to cause injustice, by preventing a timely implementation of orders and execution of decrees. This was discussed even in the year 1872 by the Privy Counsel in The General Manager of the Raja Durbhunga v. Maharaja Coomar Ramaput Sing 14 which observed that the actual difficulties of a litigant in India begin when he has obtained a decree. This Court made a similar observation in Shub Karan Bubna @ Shub Karan Prasad Bubna v Sita Saran Bubna¹⁵, wherein it recommended that the Law Commission and the Parliament should bestow their attention to provisions that enable frustrating successful execution. The Court opined that the Law Commission or the Parliament must give effect to appropriate recommendations to ensure such amendments in the Code of Civil Procedure, 1908, governing the adjudication of a suit, so as to ensure that the process of adjudication of a suit be continuous from the stage of initiation to (1871-72) 14 Moore’s I.A. 605 (2009) 9 SCC 689 the stage of securing relief after execution proceedings. The execution proceedings which are supposed to be handmaid of justice and sub-serve the cause of justice are, in effect,



**CM-4222-CWP-2026 in/and
CWP-39531-2025** **3**

becoming tools which are being easily misused to obstruct justice.

42.12 The executing court must dispose of the execution proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.”

4. In view of the above, the present writ petition is disposed of with the direction to the RERA authorities to dispose of the execution application as expeditiously as possible within the time frame fixed by the Hon’ble Supreme Court of India.

5. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 23, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No