

Bhoj Raj Garg vs Goyal Education And Welfare Society on 18 November, 2022

Bench: K.M. Joseph, Hrishikesh Roy

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ITEM NO.20

COURT NO.4

SECT

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I

Petition(s) for Special Leave to Appeal (C)

No(s).

(Arising out of impugned final judgment and order dated 21-07-2022 in CR No. 1811/2022 passed by the High Court Of Punjab & Haryana At Chandigarh)

BHOJ RAJ GARG

Pet

VERSUS

GOYAL EDUCATION AND WELFARE SOCIETY & ORS.

Res

(IA No.165065/2022-EXEMPTION JUDGMENT)

FROM FILING C/C OF

Date : 18-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. Anish Gautam, Adv.
Mr. Siddhant Sharma, AOR
Mr. Arvind Aggarwal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The complaint of the petitioner is that the Execution Court is not abiding by the directions issued by this Court in the decision in Rahul S. Shah Vs. Jinendra Kumar Gandhi & Ors., reported in (2021) 6 SCC 418. In the said decision, this Court held as follows:-

“42. All Courts dealing with suits and execution proceedings shall mandatorily follow the below mentioned directions :-

2. 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.” This means that it becomes the duty of the Execution Court to dispose of the execution proceedings at the earliest and since this Court has directed that the Execution Court must dispose of the execution proceedings within six months from the date of filing, which can be extended only by recording reasons in writing for such delay, this direction is meant to be observed. This would mean that every effort should be made to dispose of the execution petition within the said time limit and the Execution Court should have reasons for not being able to dispose of the execution petition. The Execution Court is duty bound to record reasons in writing when it is unable to dispose of the matter.

We need only reiterate what this court has already ordered. Subject to these observations, the Special Leave Petition is disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
ASSISTANT REGISTRAR