



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CR-3183-2025

Decided On: 23.05.2025

M/S KANUJ HOME TEXTILES EXIM

...PETITIONER(s)

Versus

M/S PAHWA IMPEX PRIVATE LIMITED

...RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed seeking a direction to the Executing Court/Additional District Judge, Karnal, to decide the execution petition bearing no.EXE./441/2020 titled *M/s Kanuj Home Textiles Exim v. M/s Pahwa Impex Private Limited*, expeditiously in a time bound manner.

2. Learned counsel contends that the petitioner is a MSME unit. The arbitration award dated 09.01.2020, has been passed in its favour, holding it entitled to ₹63,00,000 as principal amount from the respondent, and the amount of ₹20,60,272 as interest. The petitioner filed an execution petition on 09.03.2020, and notice was also issued to the respondents on the same day. Ever since, it is being adjourned time and again. He has referred to a short order of the executing Court dated 20.09.2021, whereby the case was adjourned to 10.12.2021 for filing the objections. The objections were finally filed by the respondent on 18.09.2023, and the transfer application was allowed, whereby the execution petition was ordered to be heard along with objection petition under Section 34 of the Arbitration and Conciliation Act, 1996, filed by the respondent. Nothing happened in the matter even thereafter, and it remained pending. The objection petition under Section 34 of the Act is



not even maintainable as the respondent has not made mandatory compliance of Section 19 of the MSMED Act, 2006. It is also contended that taking benefit of repeated adjournments, the respondent has started disposing of its assets and is in the process of declaring the respondent/company as bankrupt, which will frustrate the petitioner's rights to recover the amounts awarded.

3. Keeping in view the directions being issued, service of notice to the respondent is dispensed with as no prejudice will be caused to it.

4. In the light of facts aforementioned, it is established that the execution petition filed by the petitioner on 19.03.2020, has not been decided despite lapse of more than five years. This is in violation of directions issued by the Supreme Court in SLP (C) Nos. 8490-8492 of 2020 titled *Periyammal (Dead) through LRs and others v. Rajamani and another*. Based upon which instructions dated 03.04.2025, Annexure P-1, have been issued by the Registrar General of this Court to all the District and Sessions Judges to dispose of the pending execution petitions within six months starting from 01.04.2025 without fail. Directions have also been issued vide these instructions not to give unnecessary or long adjournments.

5. In view thereof, the petition is disposed of directing the executing Court/Additional Sessions Judge, Karnal, to expeditiously decide the pending execution petition, preferably within three months of receiving a certified copy of the order.

23.05.2025

Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No