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SUPREME COURT CASES

(2025) 9 SCC

[CITED ORDER]

(2025) 9 Supreme Court Cases 618

(Record of Proceedings)

2J

(BEFORE K.M. JOSEPH AND HRISHIKESH ROY, JJ.)

BHOJ RAJ GARG

.. Petitioner;

Versus

GOYAL EDUCATION AND WELFARE SOCIETY
AND OTHERS

.. Respondents.

SLP (C) No. 19654 of 2022[†], decided on November 18, 2022

Civil Procedure Code, 1908 — Ss. 47, 60, 122, Or. 21 Rr. 11, 98 and Or. 11 R. 14 — Execution proceedings — Delay — Executing court must dispose of execution proceedings within six months from date of filing which may be extended only by recording reasons in writing for such delay — This would mean that every effort should be made to dispose of execution petition within said time-limit and executing court should have reasons for not being able to dispose of execution petition — Executing court is duty-bound to record reasons in writing when it is unable to dispose of matter within six months

Rahul S. Shah v. Jinendra Kumar Gandhi, (2021) 6 SCC 418 : (2021) 3 SCC (Civ) 569, followed

RM-D/72460/CV

Advocates who appeared in this case :

Anish Gautam, Siddhant Sharma (Advocate-on-Record) and Arvind Aggarwal, Advocates, for the Petitioner.

Chronological list of cases cited

on page(s)

1. (2021) 6 SCC 418 : (2021) 3 SCC (Civ) 569, *Rahul S. Shah v. Jinendra Kumar Gandhi*

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ORDER

1. The complaint of the petitioner is that the executing court is not abiding by the directions issued by this Court in the decision in *Rahul S. Shah v. Jinendra Kumar Gandhi*¹. 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.”

[†] Arising from the impugned Final Judgment and Order in *Bhoj Raj Garg v. Goyal Education & Welfare Society*, 2022 SCC OnLine P&H 4373 (Punjab and Haryana High Court, Civil Revision No. 1811 of 2022, dt. 21-7-2022)

1 (2021) 6 SCC 418 : (2021) 3 SCC (Civ) 569

- a* **2.** This means that it becomes the duty of the executing court to dispose of the execution proceedings at the earliest and since this Court has directed that the executing 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 executing court should have reasons for not being able to dispose of the execution petition. The executing court is duty-bound to record reasons in writing when it is unable to dispose of the matter.

b **3.** We need only reiterate what this Court has already ordered.

4. Subject to these observations, the special leave petition is disposed of. Pending interlocutory application(s), if any, is/are disposed of.

Court Masters

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