



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER

Execution No. 3373 of 2022

In

Complaint No. 1347 of 2021

Rakesh Chawla

.... Decree Holder

Versus

Parsvnath Developers Ltd.

... Judgment Debtor

Date of Hearing:- 17.03.2025

Hearing:- 7th

Present:- Mr. Satish Mishra, Adv., for the decree holder.
Ms. Rupali S. Verma, Adv. and Ms. Nectu Singh, Adv., for the judgment debtor through VC.

ORDER

Today, case is fixed for filing application under Section 39(1) of Civil Procedure Code, to get the decree for execution transferred to another Court of competent jurisdiction. As per office report, no such application has been filed till date.

Ld. counsel for decree holder has stated that he does not want to file application under Section 39 for transfer of decree to another Court and further requested a short adjournment for filing application under Order XXI Rule 41 CPC.

2. On request, case is adjourned to **21.08.2025**, with a direction to decree holder to submit application under Order XXI Rule 41(2) CPC within fifteen days positively from today, with an advance copy to the judgment debtor to enable it to submit an affidavit in the manner prescribed under the Code of Civil Procedure, on dated 21.08.2025. It is also directed that if on receipt of the application, affidavit as directed not filed before this Forum on the date fixed, this Forum would not hesitate to proceed under Section 63 of the RERA Act, 2016 against the judgment debtor, until and unless the latter has justified cause not to file the same.


3. Before, parting with this order, this forum in support of long date for hearing given and in the interest of justice, proper management of work on day-to-day basis, put it on record that execution petitions, if reasonable in number for disposal, with every executing court/forum, it is required to dispose it of within stipulated period as far as possible until and unless it has recordable reasons to travel beyond that stipulated period of six months fixed by Hon'ble Apex Court in Rahul S. Shah vs Jitendra Kumar Gandhi (2021) 6 SCC 418 case. Since, this forum in execution has approximately 1387 number of executions and around the

same number is expected to be received back in compliance of notification No. 50/15/2024-5S(1) dated 11.05.2024 for further proceedings, and Forum functions on fixed days in a week, and has to synchronise with the calendar issued by Hon'ble High Court Chandigarh, a request of bar already accepted by Hon'ble Authority and Hon'ble Appellate Tribunal Chandigarh, and besides that has other quasi-judicial work to perform as an Adjudicating Officer with regard to grant of compensation and interest, it is humanely not possible to give short dates in execution. Because, if causelist on a particular day is not manageable, no court or forum can do justice by passing an effective order in each and every file, which is the reason even Hon'ble High Court Rules and Regulations emphasis to have a balance causelist on a working day so that the presiding officer could manage the court properly to give best possible results on judicial and administrative side. Undoubtedly, if a long date is given, the petitioner feels bad, but if on the given date of hearing an effective order to meet the ends of justice is passed, the party before it gets sigh of relief, and that could only be possible if this forum instead of burdening the causelist, give manageable date of hearing so that legally required action is taken in each and every execution petition or other petitions, to ensure that the matter is disposed of within reasonably possible time. Hence, at the end, it is concluded that long date of hearing is given to have proper management of work and also to do justice in each and every file fixed for the day by passing

constructive orders. Otherwise, short dates given by this forum which is already highly burdened with the number of executions pending and is likely to receive more in number to proceed further, would amount to hurry burry, thus prejudicial to the interest of litigants. However, this Forum would be taking all possible steps in times to come to dispose of the matter at the earliest in accordance with law, so that the petitioner before it, is not made to suffer for no fault of its any longer, because of hurdles created by the judgment debtor by prima facie misusing the process of law or misinterpreting the statutory provisions.

4. Now, case is adjourned to 21.08.2025 for the purpose described above at para 2.

Sourabh
Law Associate


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MAJOR PHALIT SHARMA
ADSJ (Retd.)
ADJUDICATING OFFICER
17.03.2025