

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****CMPMO No. 645 of 2023****Decided on: 28.11.2025**

Divisional Manager, H.P. State Forest
Development Corporation Ltd.

..... Petitioner

Versus

Leela Devi and others

.....respondents

Coram:

Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting? ¹

For the petitioner : Ms. Kiran Dhiman, Advocate.

For the respondents : Mr. Mohan Sharma, Advocate.

Bipin Chander Negi, Judge (oral)

By way of this petition filed under Article 227 of the Constitution of India, the petitioner has challenged order dated 04.05.2022, passed by the learned Executing Court in Execution Petition No. 6 of 2022, titled as Divisional Manager Himachal Pradesh State Forest Corporation vs. Leela Devi and others, which petition has been dismissed by the learned Executing Court by assigning the following reasons:-

"04.05.2022

Present: Sh. Lokesh Kapoor, Advocate, for the applicant.

Objections have not been removed, hence, the petition is rejected. File after needful, be consigned to the record room."

¹ Whether the reporters of the local papers may be allowed to see the judgment?



2. Having heard learned counsel for the parties and having perused the impugned order as well as other documents appended with the petition, this Court is of the considered view that non removal of objections could have been taken care of by the learned Executing Courts by imposing some cost upon the petitioner, but rejection of the Execution Petition on said count is harsh. This is for the reason that the execution petitioner in fact has lost an opportunity to execute the Arbitration Award as per law.

3. Accordingly, this petition is allowed. Impugned order dated 04.05.2022, is set aside and the petition is ordered to be revived to its original number. Objections, if any, shall positively be removed by the petitioner within two weeks from the day learned Executing Court grants time. Thereafter, the learned Executing Court shall proceed to adjudicate the execution petition as per law. It is made clear that this Court has not expressed any opinion on the merit of the execution petition. Parties to appear before the learned Executing Court on **15.12.2025**.

4. Petition stands disposed of in the aforesaid terms, so also the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

November 28th, 2025
Susheel