

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CM(M) No. 209/2026
CAV No. 2663/2026

Puran Chand Kapoor and another

.....Applicant(s)/Petitioner(s)

Through :- Mr. Himanshu Beotra, Advocate

v/s

Hari Krishan Gupta

.....Respondent(s)

Through :- Mr. R.K. Jain, Sr. Advocate with
Mr. Pranav Jain, Advocate

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
30.09.2026

CAV No. 2663/2026

1. With the appearance of learned counsel for the Caveator, caveat stands discharged.

CM(M) No. 209/2026

2. In this petition, filed under Article 227 of the Constitution of India, the petitioners have challenged order dated 22.08.2026 passed by the learned Principal District Judge, Samba in File No. 11/2022, titled "***Hari Krishan Gupta Vs. P.C. Kapoor and another***", whereby the objections of the petitioners/judgment-Debtors to the execution of the award dated 30.09.2021 have been rejected.
3. Learned counsel for the petitioners submits that the award dated 30.09.2021 is a nullity in the eyes of law and, as such, is not to be executed. He has further stated that the objections filed by the petitioners in the execution petition have not been considered or dealt with by learned Principal District Judge, Samba, in passing the impugned order. In support of his submissions, learned counsel has placed reliance upon the

judgment passed by the Apex Court in case titled “***Electrosteel Steel Limited (Now M/S Esl Steel Limited) V. Ispat Carrier Private Limited***, 2025(7) SCC 773.

4. Learned counsel for the respondent has stated that the instant petition under Article 227 is not maintainable on account of the fact that the petitioners herein have not challenged the award dated 30.09.2021 under Section 34 till date, as such, they have accepted the award, which has attained finality.
5. Learned senior counsel appearing for the respondents has also placed reliance upon the judgment passed in case titled “***Manash Karnal Bezboruah Vs. M/S Bakahola Tea Company Private Limited***, reported as 2026 INSC 701, as also the judgment of the Allahabad High Court in titled “***State of UP Vs. Shri Raj Veer Singh***”, reported as 2024 SCC Online All 1094.
6. Issue notice, which is waived by Mr. Pranav Jain, Advocate vice Mr. R.K. Jain, learned Senior Counsel on behalf of the respondent.
7. List on **23.10.2026**.
8. Meanwhile, subject to objections and till next date of hearing, the impugned order dated 22.08.2026 passed by the learned Principal District Judge, Samba, shall remain stayed, subject to the petitioners depositing an amount of Rs. 50.00 Lakh out of the award/decretal amount before the Registrar Judicial of this Court within a period of two weeks from the date of passing of this order, which shall be kept in the shape of FDR in J&K Bank at its High Court Branch, Jammu in the name of Registrar Judicial by designation, initially for a period of six months. The amount so

deposited shall not be released without seeking prior permission of this
Court.

(Moksha Khajuria Kazmi)
Judge

JAMMU
30.09.2026
RAHUL SHARMA

