

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 11840/2025
@SLP (C) No. 20480 of 2025

CHAKARDHARI SUREKA

Appellant

VERSUS

PREM LATA SUREKA THROUGH SPA & ORS.

Respondents

O R D E R

1. Leave granted.
2. Heard learned Counsel for the parties.
3. The short issue that arises for our consideration is whether the Execution Court should defer the proceedings *qua* execution of the award only because an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short the Act) is pending against rejection of an application under Section 34 of the Act.
4. It is not in issue that an objection under Section 34 of the Act was preferred against the arbitral award which has been rejected. Though an appeal under Section 37 of the Act is pending, there is no stay order operating against the award. The decree-holder has put the award into execution. By the impugned order dated 09.05.2025, the Executing Court (i.e., the High Court of Delhi) has adjourned the hearing on the execution side by observing that the appeal is pending.
5. The learned counsels appearing for the parties are not in issue over the fact that there is no interim order operating against the award though the appeal preferred under Section 37 of

the Act is pending. They, however, are in issue as regards executability of the award as, according to respondents, certain objections in that regard have been raised.

6. In our view, the question of executability of the award can be gone into by the Execution Court in accordance with law while addressing objections as and when raised. However, it would not be proper for the Execution Court to defer consideration of the execution application and the objections thereto only because an appeal is pending under Section 37 when there is no interim order operating against the award against which objection under Section 34 of the Act stands rejected.

7. In view of the above, we deem it appropriate to dispose of this appeal by observing that subject to any interim order passed in the appeal pending under Section 37 of the Act, the Execution Court shall be free to proceed with the execution of the award in accordance with law. Needless to observe that if any objection is raised as regards executability of the award, the same shall be addressed in accordance with law after giving opportunity of hearing to the parties concerned.

8. With the aforesaid observations, the appeal is disposed of.

9. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[UJJAL BHUYAN]

New Delhi
September 15, 2025

ITEM NO.47

COURT NO.15

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 11840/2025
@SLP (C) No. 20480 of 2025

CHAKARDHARI SUREKA

Appellant(s)

VERSUS

PREM LATA SUREKA THROUGH SPA & ORS.

Respondent(s)

IA No. 177047/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 15-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. Kunal Kalra, Adv.
Ms. Kanika Bansal, Adv.
Mr. Ayush Anand, AOR
Mr. Monu Kumar, Adv.
Mr. Ritu Raj, Adv.

For Respondent(s) :

Ms Malvika Trivedi, Sr. Adv.
Mr Sachin Yadav, Adv.
Ms Sangeeta Vazirani, Adv.
Mr Deepak Joshi, AOR
Mr Shivam Yadav, Adv.
Mr Sanjay Sharma, Adv.
Mr Nadeem Saifi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of, in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)