

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-3663-2011

Date of decision-03.12.2015

FOOD CORPORATION OF INDIA

...Petitioner

VS

M/S VARDHAMAN RICE INDUSTRIES PVT. LTD. ..Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.K.K Gupta, Advocate
for the petitioner.

Mr. Mukand Gupta, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J (Oral)

[1] Petitioner has assailed the order dated 18.12.2010 (Annexure P-6) passed by Additional District Judge, Panipat whereby the execution petition was dismissed for want of prosecution, as the list of property of the judgment debtor for attachment was not supplied. At the time of issuance of notice of motion, learned counsel for the petitioner submitted that copy of jamabandi for the year 1998-99 has already been placed on record before the Executing Court, showing that the judgment debtor is owner of 26 kanal 6 marla of land. It was argued that the production of said jamabandi was sufficient to meet the requirement of placing list of properties of the judgment debtor.

[2] On appearance of respondent No.2, it was argued before this Court on 12.03.2013 that actually the judgment debtor M/S Vardhman Rice Industries Pvt. Ltd. Gohana Road, Panipat and Sh. Vardhman Rice Mill is manned by the same partners. Respondent No.2 projected that the plea

raised by the decree holder had already been negated by the Executing Court/Additional District Judge, Panipat and this property was exempted from attachment.

[3] During course of arguments before this Court also, learned counsel for the respondent No.2 relied upon order dated 23.10.2010 passed by Additional District Judge Panipat in the aforesaid context. The aforesaid order dated 23.10.2010 passed by Additional District Judge, Panipat has not been assailed anywhere including the present petition.

[4] Faced with this difficulty, learned counsel for the petitioner intends to withdraw this revision petition with a liberty to file fresh one in accordance with law.

Dismissed as withdrawn. In case revision is filed that shall be decided on its own merits.

(RAJ MOHAN SINGH)
JUDGE

December 03, 2015

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