

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.4910 of 2015
Decided on: 18.09.2015

PUNJAB AGRO INDUSTRIES CORPORATION LIMITED

. . . Petitioner

Versus

M/S BASIC INDIA LIMITED & ORS

. . . Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

1. *Whether reporters of local newspapers may be allowed to see judgment? Yes/No*
2. *To be referred to reporters or not? Yes/No*
3. *Whether the judgment should be reported in the Digest? Yes/No*

Present: Mr. Anupam Singla, Advocate
for the petitioner.

KULDIP SINGH, J. (Oral)

Impugned in the present revision is the order dated 21.03.2015, passed by the learned Additional District Judge, Chandigarh. The short impugned order is reproduced as under:-

“Present: Sh. HC Kaushal Advocate, counsel for DH.

Section 39(4) of Code of Civil Procedure provides that nothing in Section 39 shall be deemed to authorize the Court which passed the decree to execute such decree against any person or property outside the local limits of its jurisdiction. Office of the JDs is situated in Delhi, outside the local limits of jurisdiction of this Court. Concededly, the JDs have no property within the jurisdiction of this court, therefore, the award/decrece cannot be executed by this Court

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accordingly, the execution application is dismissed. File be consigned to records, after due compliance.”

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel has pointed out that the application was filed in execution under Order 21 Rule 11 CPC read with Section 36 of the Arbitration and Conciliation Act, 1996, for execution of decree dated 30.07.2010. Learned counsel has further pointed out that he has filed an application under Order 21 Rule 40 and 41 CPC, for examination of the judgment debtor. He claims that JD has the property within the local limits of jurisdiction of Chandigarh Court. Therefore, without disposing of the said application, the execution could not be dismissed in the way it was done. Even if the properties of JDs was not within its jurisdiction, then the execution was not to be dismissed, but it was to be transferred to competent Court. He has prayed that the impugned order be set aside.

I agree with the said contentions. Impugned order is set aside. The lower Court is directed to decide the execution petition of the petitioner under Order 21 Rule 40 & 41 CPC and then proceed with the execution in accordance with law.

**[KULDIP SINGH]
JUDGE**

18.09.2015
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