

CIVIL REVISION No.26 of 2017  
DECIDED ON: JANUARY 10, 2017

M/S MODERN FOODS

.....PETITIONER

VERSUS

M/S R.J. CHATHA RICE MILLS &amp; ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raman Goklaney, Advocate  
for the petitioner.

\*\*\*\*\*

JASPAL SINGH, J (ORAL)

Through this instant petition, petitioner has sought the modification of order dated October 07, 2016 (Annexure P-1) passed by learned Additional Civil Judge (Sr. Divn.), Jalalabad (W), Fazilka in an Execution Application bearing No. 40/2016 captioned as '*M/s Modern Foods v. M/s R.J. Chatha Rice Mills*', which is now stated to be pending for January 18, 2017.

At the very outset of arguments, it has emerged that learned trial Court simply on the basis of report of Warrants of Attachment came to the conclusion that there is no credit balance in the account of JD. In fact the said report is against the documentary evidence available on this file from which it stands amply proved that JD is withdrawing heavy amounts from the account, which has been sought to be attached for the recovery of amount in question. In fact, the JD has a credit limit of ₹7 crores. It appears that the bank authority

have also sided with the JD while making such reports or at the time of moving an application in this regard before the trial Court.

The petitioner is advised to move an application for recalling the impugned order dated October 07, 2016 detailing all the facts narrated above as well as producing the documentary evidence available, in support thereof. The learned trial Court is directed to dispose the said application after hearing the parties. The needful be done within a period of two months from the date of filing of application for recalling the order dated October 07, 2016.

Disposed of.

A copy of this order be sent to learned trial Court for its compliance.

**JANUARY 10, 2017**  
**sham**

**(JASPAL SINGH)**  
**JUDGE**

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*                      *Yes/No*