

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

CR No.4828 of 2017

Date of decision : 04.08.2017

M/s Modern Foods

...Petitioner

Versus

M/s R.J. Chatha Rice Mills and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J.

The Decree Holder is in the present revision petition against the order dated 07.10.2016 (Annexure P-5).

The Decree Holder had filed a suit which resulted into a decree dated 10.02.2016 holding plaintiff to be entitled to recover a sum of ₹14,79,353/- alongwith interest at the rate of 12% p.a. from 14.04.2012 to the date of decree and thereafter interest at the rate of 6% p.a. on the principle sum adjudged from the date of the decree to the date of payment. During the execution proceedings, the Decree Holder sought attachment of bank account maintained by the Judgment Debtor. The warrants of attachment were issued. However, it was reported by the Manager of the bank that the Judgment Debtor was not having a credit balance in the account. He had further reported that he is a debtor towards the bank. In these circumstances, the Court directed the Decree Holder to furnish the list of the property.

This order has been challenged by the petitioner in the present

revision petition.

Learned counsel for the petitioner has contended that the Judgment Debtor had been given a cash credit facility and the Judgment Debtor had not used the entire credit facility, therefore, the learned Court was wrong in refusing to attach the account and recover the amount.

I have carefully considered the arguments of learned counsel and with his able assistance gone through the record of the case.

It is not in dispute that the Judgment Debtor had no credit balance in the account. Of course the Judgment Debtor was having a cash credit facility to the tune of ₹7,00,00,000/-. However, such contract is between the bank and the Judgment Debtor. It is for the bank to decide whether the bank wants to lend more money to the Judgment Debtor or not. The bank can stop the further withdrawal from the cash credit facility immediately. The bank is dealing with public money. The bank cannot be forced to lend more money to the Judgment Debtor so as to satisfy the decree.

The learned Executing Court has directed the Decree Holder to submit the list of property.

In these circumstances, I do not find any good ground to interfere with the order passed by the Executing Court.

Revision petition is dismissed.

04.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No