

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.8224 of 2016
DECIDED ON: March 28, 2017

M/S DALANWAL RICE MILLS, MALERKOTLA

....PETITIONER...

VERSUS

PUNJAB STATE GRAIN PROCUREMENT CORPORATION LTD.
(PUNGRAIN)

....RESPONDENT...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. L.S. Sekhon, Advocate for
for the petitioner.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 06.10.2016 passed by Additional District Judge, Sangrur whereby an application dated 25.02.2016 (Annexure P-4) for staying the execution of award dated 28.10.2013 (Annexure P-2) against the petitioner has been dismissed.

2. Undisputably, respondent No.2-PUNGRAIN has filed an execution application for recovery of a sum of ₹1,01,57,890/- on the basis of an award dated 28.10.2013 (Annexure P-2), alleging that petitioner has entered into an agreement dated 20.10.2010 with respondent No.2-PUNGRAIN and allotted 81008 bags of paddy weighing 28352.80 quintals for custom milling on the basis of the alleged agreement dated 20.10.2010 with an undertaking to deliver the milled rice before 31.03.2011. Though award passed was ex-parte but there

is no stay on execution proceedings by any court, thus, objection petition preferred by the petitioner has rightly been dismissed by the executing court. Moreover, it is well settled proposition of law that an agreement to sell does not confer any legal right or title upon any person. Moreover, the filing of an application for staying the execution proceedings as well as the instant petition are nothing but to delay and defeat the execution of the award. Had, he been so aggrieved, he could have challenge the award in question by way of appeal or revision but there is nothing to suggest in this regard as per the record.

3. Accordingly, finding no merit in the instant petition, it stands dismissed.

March 28, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	Yes/No