

257

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

**Civil Revision No.1366 of 2019 (O&M)
Date of Decision: 22.11.2019**

**M/S MK PEACOCK MINERAL WATER PVT LTD
.....Petitioner**

Vs

**M/S JAI GANESH PACKAGING 5 THROUGH ITS
PROPRIETORRespondent**

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

Present: Ms. Kusum Raj, Advocate for
Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Sandeep Khunger, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 31.08.2018 passed by the Additional District Judge, Faridabad, vide which the application under Order 21 Rule 26 CPC filed by the petitioner was dismissed.

[2]. Notice of motion was issued on 27.02.2019 and the executing Court was directed to defer the proceedings beyond the date fixed, subject to furnishing bank guarantee for the due amount by the petitioner.

[3]. Learned counsel for the respondent submitted at the

bar that the needful in the context of executing bank guarantee in compliance of order dated 27.02.2019 has not been done and the executing Court has proceeded to auction the land in question by fixing schedule vide order dated 16.07.2019 (though this date has been wrongly mentioned as 14.08.2019 in the order dated 20.09.2019).

[4]. Learned counsel appearing on behalf of the petitioner could not dispute the aforesaid fact or position on record with reference to any such material available with the petitioner.

[5]. Precisely for the aforesaid reason, the case was adjourned on 20.09.2019 for today on the request of learned counsel for the petitioner.

[6]. In view of aforesaid attending circumstances of the case, no indulgence can be granted in favour of the petitioner, particularly when the conditional order dated 27.02.2019 has not been complied with by the petitioner. This revision petition is accordingly dismissed.

November 22, 2019

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No