

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

107

CR-941 of 2019 (O&M)
Date of decision:4.2.2020

M/s Vishal Retail Limited

... Petitioner

versus

Hardayal Singh Dhillon and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Gaurav Chopra, Advocate,
for the petitioner
Mr.Rahul Sharma, Advocate,
for the respondents
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner company challenges the order of the learned execution court dated 2.2.2019, by which 5 accounts of the company, all at Village Kapashera, New Delhi, were ordered to be attached to recover the balance decretal amount of Rs.74,33,078/-.

At the time when this petition had initially come up for hearing on 7.2.2019, the following order had been passed by this court:-

“The issue involved in the present petition is as to whether bank accounts which are outside the jurisdiction of the Executing Court can be attached in execution.

Notice of motion for 1.5.2019.

Learned counsel for the petitioner states that the amount due is Rs.74 lakhs odd. He further states that the petitioner is ready to make FDR of Rs.75 lakhs and deposit it with the Executing Court till pendency of the petition.

On depositing the FDR of the said amount, the attachment may be removed.”

The above undertaking having been given, an amount of Rs.75,00,000/- is stated to have been deposited by way of a fixed deposit in the HDFC Bank, for a period of 12 months starting 8.2.2019, with the date of maturity being 8.2.2020, as seen from the photocopy of the “deposit confirmation/renewal advice” produced in court today by learned counsel for the petitioner, a copy of which has been given to Mr.Sharma, learned counsel for the respondent-Decree Holders.

Mr.Chopra, learned counsel for the petitioner, submits that the petitioner undertakes to renew the said deposit immediately upon maturity, i.e. on 8.2.2020 itself.

That being so and the decretal amount therefore being secured in terms of the undertaking given as recorded in the aforesaid order of this court, this petition is disposed of with a direction that the fixed deposit for an amount of Rs.75,000/- would continue to be renewed till the decision of the appeal filed by the petitioner against the order dismissing its application under Order 9 Rule 13 of the CPC by the trial court.

It is made clear that if at any stage at all during the pendency of that appeal, the fixed deposit is not renewed, the impugned order would stand revived, with it otherwise set aside subject to the fixed deposit continued to be renewed by the petitioner.

The petition is disposed of in the aforesaid terms.

At this stage, Mr.Chopra has submitted that the question of law as regards whether the execution court could at all have directed attachment

of bank accounts of the petitioner company at a place beyond the jurisdiction of that court, may be left open.

Without making any comment on that contention, which would be raised, if necessary, at the appropriate stage and replied to, however, the condition imposed herein above, to the effect that if the amount in the fixed deposit is not renewed during the pendency of the aforesaid appeal, the impugned order would stand revived, is an order that stands.

4.2.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No