

115+206 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-12639-40-CII-2021 and
CM-1873-CII-2022 in/and
CR-1331-2020 (O&M)
Date of decision : February 24, 2022**

HINDUSTAN ANTIBIOTICS LTD

...Petitioner

Versus

CENTRIENT PHARMACEUTICAL INDIA PVT.LTD. ...Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Vivek Aggarwal, Advocate for the petitioner.

Mr. Sanjeev Puri, Senior Advocate with
Mr. Ashish Prasad, Advocate
Mr. Abhinav Sood, Advocate
Mr. Abhishek Shivpuri, Advocate and
Mr. Pruthivi Dhinoja, Advocate for the respondent.

LISA GILL, J.

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

CM-12639-CII-2021 and

Prayer in the application is for placing on record Annexures P12 to P16. Same are taken on record subject to just exceptions. Filing of certified copies thereof is exempted.

Application is disposed of.

CM-1873-CII-2022

Affidavit dated 18.02.2022 of Sh. Vinay Kumar Misra, Senior Regional Manager (Agrovet) Hindustan Antibiotics Ltd. is taken on record subject to just exceptions.

Application is disposed of.

CR-1331-2020 (O&M)

This revision petition has been filed for setting aside order dated 29.01.2020 passed by the learned Executing Court wherein it is observed that before issuing warrant of attachment against judgment debtor, it was deemed appropriate to issue notice to the judgment debtor. Accordingly, notice was issued.

Notice of motion had been issued in this revision petition on 25.02.2020 for 01.04.2020. Petitioner had preferred SLP (C) No. 4584 of 2021 challenging the said order while stating that immediate relief should have been granted by the Court. Said SLP was disposed of by the Hon'ble Supreme Court on 24.09.2021 wherein it is observed that as SLP is directed against an order, which is merely adjourning the notice of motion to some future date and in all probability it must be ready for hearing, if already not disposed of and liberty was afforded to the petitioner to file appropriate application for early disposal of notice of motion and also to point out the settled legal position to buttress the relief claimed in the petition. Accordingly, CM-12640-CII-2021 was filed on behalf of the petitioner seeking immediate orders for execution of deemed decree/Majority Award passed by Justice Sujata Monohar (Retd.) Arbitrator, former Judge of Hon'ble Supreme Court of India and Justice Dhanuka, Arbitrator, former Judge of High Court of Bombay in terms of orders passed by Hon'ble Supreme Court of India dated 24.09.2021 and 21.04.2021.

Notice of the abovesaid miscellaneous application was issued to the respondent. However, it was pointed out by learned counsel for the respondent

on 07.12.2021 that execution petition itself stands dismissed in default on 19.10.2021, therefore, revision petition itself is rendered infructuous. This fact was not disputed by learned counsel for the applicant-petitioner. Affidavit of the competent official was called for to explain as to how the present application was filed in November, 2021 even though execution petition stood dismissed on 19.10.2021.

Affidavit dated 18.02.2022 of Sh. Vinay Kumar Misra, Senior Regional Manager (Agrovet) Hindustan Antibiotics Ltd. has been filed explaining the circumstances due to which aberration has taken place. Though it is apparent that at a certain level, there has been some negligence on the part of the officials of the petitioner, I do not deem it appropriate to delve into the matter and would let it rest at that the explanation, as contained in the affidavit, is accepted. Learned counsel for the petitioner submits that an application for restoration of execution petition stands filed but as of now execution petition stands dismissed. Undeniably, present revision petition challenging order dated 29.01.2020 passed in the execution petition cannot survive.

Present revision petition is, accordingly, disposed of as infructuous.

Needless to say, petitioner is at liberty to seek redressal of its grievance, if any, subsequent to restoration, if at all of the execution petition.

February 24, 2022

rts

(LISA GILL)
JUDGE

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