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

CR No. 7090 of 2019 (O&M)
Date of Decision: 28.09.2022

Desa Singh

-Petitioner

Versus

PKF Finance Limited and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Onkar Singh, Advocate,
for the petitioner.

Mr. Rohit Sud, Advocate, and
Ms. Parminder Kaur, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

Notice of motion was issued on 28.02.2020 on the premise that the truck owned by the petitioner was sold and the sale proceeds were not adjusted in the decretal amount. The truck was sold for approximately an amount of Rs.3,50,000/- as contended by learned counsel for the petitioner.

Perusal of the impugned order would show that the award was passed by the Arbitrator on 09.08.2008. The objections filed by the petitioner under Section 34 of Arbitration and Conciliation Act, 1996 were dismissed by the Additional District Judge, Jalandhar vide order dated 14.09.2016. Against

the aforesaid order, FAO No.1552 of 2019 was filed by the petitioner on 27.08.2019.

Learned counsel for respondent No.1 stated before this Court that the aforesaid FAO has already been dismissed on 16.01.2020 and at the time of issuance of notice of motion on 28.02.2020, the said fact was concealed by the petitioner.

In view of aforesaid factual matrix on record, learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise the factum of non-adjustment of amount towards selling of the truck.

Learned counsel for respondent No.1 has no objection to the aforesaid course.

In view of aforesaid position, this petition is dismissed as withdrawn with liberty to the petitioner to raise all the contentions before the Executing Court.

I have no doubt that in the event of raising such pleas, the Executing Court shall pass appropriate order strictly in accordance with law without being influenced by anything recorded hereinabove. This Court has not expressed any opinion on the merits of the case.

28.09.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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