



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6691 OF 2018

M/s Citrus King Mandarin Oranges Pvt. Ltd. Warud and others .Vs. National Horticulture Board, Gurugram and anothers

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anand Parchure, Advocate for the petitioners.

Ms Shweta Gandhi, Adv. h/f Shri R.S. Akbani, Adv. for the respondent No.1.

Shri R.S. Kalangiware, Advocate for the respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 19/07/2023

1. Heard.

2. The application for adding respondent No.2 – Agricultural Produce Marketing Committee (APMC) as party in execution proceeding by the judgment debtor came to be rejected by the Executing Court vide impugned order dated 21.08.2018.

3. The judgment debtor is seeking to add APMC as party on the ground that a deed of assignment dated 14.02.2007 was executed and thereby the property in question was mortgaged with the APMC and the APMC has taken all the liabilities of the judgment debtor and therefore, the APMC be made party to the executing proceeding.

4. The learned Executing Court has recorded his finding in Paragraph 9, which read thus :

“9. The present J.D.S also want the Court to direct D.H. to recover loan amount from the mortgaged property in possession of A.P.M.C., Warud. The D.H. is free to choose any of the mode or any of the property of J.D.S for recovering the loan. The D.H. may also proceed against such mortgaged property in possession of A.P.M.C., Warud. I have already discussed that as A.P.M.C., Warud is an assignee during pendency of suit, D.H. can very well proceed against the property of J.D.S. which is in possession of A.P.M.C., Warud. So, there is no need to give such direction to J.D.S. In fact, under the garb of seeking such direction, it appears that present applicants want that execution should be proceeded against that property only which is mortgaged with D.H. and thereby the present applicants appear to be trying to get themselves relieved from the liability and so there is no need to give any direction to J.D.S as prayed in this application.”

5. After going through the above referred finding recorded by the Executing Court, I do not find any error committed by the Executing Court in rejecting the application.

Accordingly, the writ petition is **dismissed**.

JUDGE