



CR-2605-2024 (O&M)
CR-2574-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

233-7 CR-2605-2024 (O&M)
Date of Decision: 05.11.2024

M/s Shri Ram Rice Mills
... Petitioner

V/S

Food Corporation of India
.... Respondent

233-6 CR-2574-2024 (O&M)

M/s Mittal Trading Company
... Petitioner

V/S

Food Corporation of India
.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Munish Kumar Garg, Advocate and
Mr. Rakesh Kumar Jangra, Advocate
for the petitioner in both cases.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of both the above noted revision petitions.
2. For the sake of convenience, factual position is being taken from CR No.2605 of 2024.
3. This revision petition has been filed under Article 227 of the Constitution of India, for setting aside order dated 03.02.2024, passed by



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the learned District Judge, Ambala, in execution petition No. 17 of 2022, as well as previous orders passed from 31.03.2022 to 06.01.2024, Annexures P-6 to P-27, whereby the execution petition is being adjourned. In the alternative, a prayer has been made that the executing Court be directed to decide the execution petition in a time bound manner.

4. Pursuant to order passed by this Court, a report has been received from the learned Executing Court. Relevant extract of which is reproduced hereunder:-

“All the concerned execution petitions after institution had remained fixed for payment by judgment debtor uptill 31.08.2022 before learned Predecessor of this Court. On the said date, the judgment debtor had moved separate applications to deposit Rs.70,39,947.65Ps. in execution petition titled M/s Shri Ram Rice Mills Versus FCI; Rs.29,12,285.32Ps in execution petition titled M/s Mittal Trading Company Versus FCI; and Rs.39,55,276.27Ps in petition titled M/s Sumit Trading Company Versus FCI. However, since the decree holder's counsel had disputed the calculations regarding the amount deposited by the judgment debtor, the learned Predecessor of this Court had directed both the parties to furnish fresh calculations. Thereafter, vide order dated 29.09.2022 the aforesaid amount had been



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released to the decree holder. Then the case had again remained fixed for remaining payment. The file had been put up before this court for the first time on 08.05.2023 and the case remained fixed for remaining payment by the judgment debtor.

When last opportunity was granted to the judgment debtor for making remaining payment, since learned Counsel for the judgment debtor again took the plea that the entire payment had been made, the respective submissions of learned counsels of the parties regarding remaining balance amount, if any, had been heard. As during arguments, it was found that in the calculation furnished by the judgment debtor before this Court the interest of different periods had not been calculated separately vide order dated 09.05.2024, the judgment debtor was again directed to file fresh calculation. Then again, learned counsel for the decree holder had furnished counter calculations. After considering the respective calculations furnished by learned counsels for both the parties, since the decretal amount is still found to be due towards the judgment debtor, the case is now fixed for 12.08.2024 for payment of remaining balance amount by the judgment debtor.

Report furnished herewith.”



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5. A perusal of the above reproduced report, shows that the substantial payment has been made to the decree-holder. There is some dispute amongst the parties over the calculation of the amount and a fresh calculation sheet has been filed. Counsel for the petitioner submits that the proceedings are now fixed before the Executing Court on 07.01.2025.
6. Be that as it may, since the execution petition is pending for the last more than 2½ years, petition is disposed of with a request to the Executing Court to dispose of the execution petition as expeditiously as possible.

05.11.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No