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

EFA-1-2022(O&M)

Date of decision:27.05.2025

Amrik Singh

..Appellant

Versus

Punjab State Cooperative Supply and Marketing Federation Ltd. And
another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Alok Jain, Advocate for the appellant

Mr. Sumit Jain, Advocate

Mr. Abhishek Arora, Advocate

Ms. Ananya Ahluwalia, Advocate for the respondents

ANIL KSHETARPAL, J. (Oral)

1. Third party objector assails the correctness of the order passed by the Executing Court while dismissing his objection petition.

2. M/s Pratham Rice Mills was allocated paddy for its de-husking by the respondent namely MARKFED (Punjab State Cooperative Supply and Marketing Federation Ltd.) M/s Pratham Rice Mills appears to be a proprietorship concern. The appellant claims that he was only a power of attorney holder of the proprietor namely Rajesh Ghai. The immovable property of the appellant has been attached while relying upon affidavit Annexure P-5 by the Executing Court on the ground that the appellant has admitted that he is the proprietor of the said firm.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

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4. The unattested affidavit (Annexure P-5) is on a printed /prescribed format. Amrik Singh has signed the same as a power of attorney holder of M/s Pratham Rice Mills. Undoubtedly, in para 2 he claims to be the proprietor of the said firm. However, while signing, Amrik Singh has disclosed that he is power of attorney holder.

5. No material has been brought on the file of the Executing Court to prove that petitioner in fact is the proprietor of M/s Pratham Rice Mills, Bhaddi Road, Village Jogewal Balachaur, District S.B.S.Nagar. In these circumstances, it was necessary for the Executing Court to call upon the parties to produce documents and lead oral evidence, if required. However, the Executing Court proceeded to dismiss the petition while coming to a conclusion, which is not borne from the record. Consequently, the impugned order passed by the Executing Court on 10.11.2021 is set aside, while requesting for the fresh decision, after granting opportunity to the parties to produce documents and lead relevant and necessary evidence, if prayed for. The parties through their learned counsel are directed to appear before the Executing Court on 09.07.2025.

6. The appeal stands disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

27.05.2025

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Whether speaking/reasoned
Whether reportableYes/No
Yes/No