



116(1)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5217-2025 (O&M)
Date of Decision:04.11.2025

M/S KURUKSHETRA TECHNO PLAST PVT LTD

....Petitioner(s)

Versus

M/S MAYANK MACHINERY TRADERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vilas Sharma, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 28.05.2025 (Annexure P-10) and order dated 18.07.2025 (Annexure P-15) passed by the learned Additional District Judge, Kurukshetra.

2. Learned counsel appearing on behalf of the petitioner submitted that an award was passed by the Haryana Micro and Small Enterprises Facilitation Council at Panchkula vide Annexure P-2 in favour of the petitioner on 25.09.2024. He submitted that thereafter the petitioner filed an execution application before the learned Additional District Judge, Kurukshetra where the petitioner who is the decree-holder is residing. He submitted that by way of the impugned order, the learned Executing Court has transferred the execution only on the ground that there is no property of

the judgment-debtor in Kurukshetra and the same is situated at Firozabad



in Uttar Pradesh and therefore, the execution was transferred to the District Court, Firozabad (UP) for further proceedings. He submitted that the impugned order could not have been passed by the learned Additional District Judge because the petitioner who is the decree-holder is the resident of Kurukshetra and therefore, the execution was maintainable at Kurukshetra. He also submitted that the property of the judgment-debtor is situated at Firozabad which does not mean that the execution can be transferred to Firozabad. He submitted that the bank account can be attached anywhere due to digital banking and therefore, even at Kurukshetra the account in the concerned bank could have been attached, even if the same is at Firozabad and therefore, the impugned order may be set aside.

3. I have heard the learned counsel for the petitioner.

4. A perusal of the award which was passed by the Haryana Micro and Small Enterprises Facilitation Council vide Annexure P-2 would show that the same has been passed on 25.09.2024 at Panchkula and in this way, the seat of the aforesaid Council was at Panchkula and the award was made at Panchkula. It was the contention of the learned counsel for the petitioner in the present revision petition that the property of the judgment-debtor is situated at Firozabad in Uttar Pradesh and his bank account is also in a bank at Ferozabad but the reason for filing of the execution by the petitioner-decree holder at Kurukshetra was that the petitioner-decree holder is residing at Kurukshetra and therefore, the execution was maintainable at Kurukshetra.

5. This Court after hearing the learned counsel for the petitioner and perusing the impugned order and the law laid down by Hon'ble Supreme Court in ***Sunderam Finance Limited Vs. Abdul Samad, 2018 (3) SCC 622*** is of the considered view that the plea raised by the learned counsel for the petitioner is not sustainable. It is a settled law that where the property is situated the



execution proceedings will lie at that particular place anywhere in India. The relevant portion of the aforesaid judgment is reproduced as under:-

“22. We are, thus, unhesitatingly of the view that the enforcement of an award through its execution can be filed anywhere in the country where such decree can be executed and there is no requirement for obtaining a transfer of the decree from the Court, which would have jurisdiction over the arbitral proceedings.”

6. The mere fact that the petitioner is resident of Kurukshetra would not mean that he is entitled to file execution at Kurukshetra despite the fact that the property of the judgment-debtor is situated at Ferozabad and his bank account is also in a bank at Firozabad, Uttar Pradesh. The plea raised by the learned counsel for the petitioner that the account of the judgment-debtor can be attached by way of digital banking is also not sustainable because first of all it is to be seen that where the property of judgment-debtor is situated. If the property of the judgment-debtor is situated at Firozabad, then the execution shall lie at Firozabad and therefore, there is no illegality and perversity in the impugned order passed by the learned Additional District Judge, Kurukshetra while transferring the execution application to Firozabad.
7. Consequently, finding no merit in the present revision petition, the same is hereby dismissed.

04.11.2025

(JASGURPREET SINGH PURI)

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JUDGE

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