



CR No. 5558-2025 (O&amp;M)

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124 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 5558-2025 (O&M)  
DATE OF DECISION: 20.08.2025

M/S NATHU RAM VIKAS GUPTA, COMMISSION AGENTS, AND  
ANOTHER

.....PETITIONERS

Vs.

M/S MG AGRO FOODS AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr.Munish Gupta, Advocate,  
for the petitioners.

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**AMARINDER SINGH GREWAL, J.**

1. Prayer in the present Civil Revision Petition, filed by the petitioner under Article 227 of the Constitution of India, is for setting aside the impugned order dated 27.05.2025 (Annexure P-6), passed by the learned Additional Civil Judge (Senior Division), Patiala, in Execution Petition No. 522 of 2019, titled *M/s Nathu Ram Vikas Gupta and another vs. M/s MG Agro Foods* and another.

2. Brief facts of the case are that the plaintiffs-petitioners, namely *M/s Nathu Ram Vikas Gupta*, through its proprietor Vikas Gupta, filed a suit for recovery of ₹17,07,565/- against the defendants-respondents, *M/s MG Agro Foods*, Village Balbehra, Tehsil and District Patiala, through its partner Tarlok Nath Mittal. The case of the plaintiffs-petitioners was that the defendants-respondents, through their partner, had purchased paddy from the plaintiff-firm through its proprietor in various transactions



between 03.10.2014 and 28.11.2014, vide several bills. The bills were duly issued to the defendants-respondents, while copies remained with the plaintiffs-firm. The paddy was sold for a total sum of ₹23,99,423.26/-. Out of this amount, the defendants paid only ₹11,05,813/- through various bank transactions, but failed to pay the balance. On this basis, the plaintiffs-petitioners instituted the aforesaid suit for recovery of ₹17,07,565/-.

2.1 The defendants-respondents were duly served. However, none appeared on their behalf, and consequently, they were proceeded against *ex parte*. Ultimately, the suit was decreed by the learned Additional Civil Judge (Senior Division), Patiala, vide judgment and decree dated 11.03.2019.

2.2 Thereafter, the plaintiffs-petitioners filed an application under Order XXI Rule 11 CPC for execution of the decree dated 11.03.2019. During the execution proceedings, the decree-holders (petitioners) filed an application for furnishing better particulars of the judgment-debtors, wherein they referred to the names of Tarlok Chand, Surinder Kumar, and Sandeep Kumar Goyal as partners of the judgment-debtor firm.

2.3 Meanwhile, one Vikas Rai also moved an application under Order IX Rule 13 CPC read with Section 151 CPC, seeking to set aside the judgment and decree dated 11.03.2019.

2.4 By the impugned order dated 27.05.2025 (Annexure P-6), the learned Additional Civil Judge (Senior Division), Patiala, held that in order to execute the decree, warrants of attachment of the property of the judgment-debtor had been directed to be issued subject to the furnishing of a list of properties. However, the decree-holders failed to file the said list



despite availing numerous opportunities.

3. Learned counsel for the petitioners has submitted that though the decree was passed against *M/s MG Agro Foods* and its partner, namely Tarlok Nath Mittal, yet, in fact, Surinder Kumar, Sandeep Kumar Goyal, and Vikas Rai are also partners of the respondent-firm.

4. It is further submitted that the petitioners had furnished the names of the aforesaid persons as partners of the said firm, and the learned lower Court ought to have summoned them being partners of the respondent-firm. However, the learned lower Court erroneously failed to summon the aforesaid partners of the respondent-firm.

5. Thus, it is contended by learned counsel for the petitioners that the order dated 27.05.2025 (Annexure P-6), which is under challenge, deserves to be set aside, and directions may be issued to the lower Court to consider the aforesaid facts by summoning the said persons, who can furnish details regarding the properties of the judgment-debtors.

6. I have heard learned counsel for the revisionist-petitioners and perused the paper-book.

7. In view of the order proposed to be passed, notice is not being issued to the respondents, as the same would only delay the proceedings besides entailing additional expense to the respondents.

8. After hearing learned counsel for the petitioners, this Court finds that the judgment and decree was passed only against *M/s MG Agro Foods* and its partner, Tarlok Nath Mittal. The matter regarding Surinder Kumar, Sandeep Kumar Goyal, and Vikas Rai already stands considered by



the learned lower Court in its order dated 27.05.2025 (Annexure P-6). Since the decree was passed only against *M/s MG Agro Foods* and its partner, Tarlok Nath Mittal, and as the Executing Court cannot go beyond the judgment and decree, this Court finds that there is no illegality or perversity in the impugned order dated 27.05.2025 (Annexure P-6), whereby the decree-holders were directed to furnish the list of properties, if any, of the judgment-debtor firm.

9. Thus, this Court finds no merit in the prayer for setting aside the order dated 27.05.2025 (Annexure P-6), passed by the learned Additional Civil Judge (Senior Division), Patiala.

10. Finding no illegality in the order dated 27.05.2025 (Annexure P-6), the present revision petition, being devoid of merit, is accordingly dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

**AUGUST 20, 2025**  
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**(AMARINDER SINGH GREWAL)**  
**JUDGE**

Whether Speaking	Yes
Whether Reportable	No