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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR-3733-2023

Date of Decision: 27.08.2025

M/s Luxmi Enterprises Through Its Prop. & another Petitioners

Versus

M/s Avion Fastners through its authorised representative and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Kunal Jindia, Advocate,
for respondent No.1.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 227 of the Constitution of India for challenging the impugned order dated 22.12.2021 (Annexure P-5) passed by the Court of learned District Judge Faridabad, vide which the warrant of attachment of property was issued against the petitioner and also the notice of Warrant of Attachment to the bank dated 13.01.2023 (Annexure P-6) issued by learned District Judge Faridabad in the execution petition filed by the respondent to comply with the Judgement and Decree dated 06.05.2019 passed by learned Arbitrator in a arbitration proceedings.

2. Learned counsel appearing on behalf of the petitioner has submitted that on 07.11.2023, following order was passed by this Court:

“Learned counsel submits that the total amount payable in terms of the Award including the interest thereupon works out to about Rs.3.5 lakhs and that the petitioners are willing to deposit the said amount before



the trial Court so that the same may be invested in some FDR.

Notice of motion for 09.05.2024.

The petitioners, as per their offer, shall deposit an amount of Rs.3.5 lakhs before the executing Court within a period of 2 weeks from today. Upon deposit of such amount, the executing Court shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the executing Court or any order passed by this Court.

Upon deposit of the aforesaid amount, the warrants of attachment shall be kept in abeyance.

It shall be open to the petitioners to serve the respondents by dasti process as well.

An additional set of notices be issued for effecting service upon the respondent/decreed holder through the counsel representing him before the executing Court.”

3. Learned counsel for the petitioner further submitted that in pursuance of the aforesaid order, the petitioner has already deposited the total amount payable in terms of the award along with interest, which is to the tune of ₹3,50,000/-, before the learned Executing Court i.e. District Judge, Faridabad and the same has also come in the order dated 20.01.2024 passed by the District Judge wherein it has been directed to deposit the aforesaid amount in a fixed deposit for fetching maximum rate of interest. He submitted that since the entire amount along with interest has already been deposited, no useful purpose will be served in case the further attachment of the bank account of the petitioner is continued and therefore, the impugned order dated 22.12.2021 (Annexure P-5) be set aside.

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4. Learned counsel for the respondent submitted that there is no dispute with regard to the deposit of the aforesaid amount of ₹3,50,000/- by the petitioner before the learned Executing Court, however, the respondent would agitate with regard to some more amount as well.

5. After hearing the learned counsels for the parties, this Court is of the view that after the impugned order was passed and the present petition was filed, the petitioner has already deposited an amount of ₹3,50,000/- before the learned Executing Court.

6. In view of the above, the present petition is allowed and the impugned order 22.12.2021 (Annexure P-5) is set aside. The matter is remanded back to the learned Executing Court to pass a fresh order in view of the changed circumstances whereby the petitioner has now deposited an amount of ₹3,50,000/-.

27.08.2025
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No