



CR-1180-2025

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1180-2025

Date of decision : 18.03.2025

M/s.Avinash Marketing Company and another

... Petitioners

Versus

Paras Spices Private Limited and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Lakhwinder S. Sidhu, Advocate
for the petitioners.

Mr.Nitin Thatai, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India with a prayer that the order dated 07.02.2025 passed by the Civil Judge (Jr.Div.), Moga vide which the application filed by the petitioners-defendants-JDs under Order 21 Rule 26 CPC read with Section 151 CPC has been dismissed, be set aside.

2. On 27.02.2025, this Court was pleased to pass the following order:-

*“Present:- Mr. Lakhwinder S. Sidhu, Advocate
for the petitioners.*

Inter alia, contends that to show their bona fide,



the petitioners are ready to make a demand draft of Rs.5,20,000/-, which is the principal amount which has been decreed vide judgment dated 14.07.2022, in the name of respondent No.1 and also has no objection in case the said payment is credited to respondent No.1 but the same be done after taking adequate security from respondent No.1 and be returned to the petitioners in case the application under Order 9 Rule 13 CPC filed by the petitioners is allowed and the suit filed by the plaintiff is dismissed.

Notice of motion for 18.03.2025.

Notice re: stay as well.

Liberty is granted to the petitioners to serve the respondents through dasti process as well as through the counsel appearing for them before the Executing Court.

Petitioners are directed to bring a demand draft of Rs.5,20,000/- prepared in the name of respondent No.1 on the next date of hearing.

It is made clear that in case the said demand draft prepared in the name of respondent No.1 is not produced by the petitioners on the next date of hearing, then, the present revision petition would be liable to be dismissed.

To be taken up in the urgent list.

February 27, 2025”

3. Learned counsel for the petitioners has submitted that in pursuance of the said order, he has brought a demand draft of Rs.5,20,000/-, which has been handed over to learned counsel for respondent no.1-plaintiff which fact has been re-affirmed by the learned counsel for respondent no.1-plaintiff.

4. During the course of arguments, a consensus has been arrived



between the learned counsel for the petitioners and the learned counsel for respondent no.1, on instructions from their respective clients and the present petition is disposed of with the following observations/directions:-

- i) The abovesaid draft in favour of the respondent no.1-plaintiff would be credited in favour of the respondent no.1 and the respondent no.1 would give adequate security with respect to the same before the Executing Court within a period of two weeks from today.
- ii) In case the application filed by the petitioners under Order 9 Rule 13 CPC is allowed and the suit filed by the plaintiff is dismissed, then in that situation, the respondent no.1 would return the said amount to the petitioners.
- iii) In case the application under Order 9 Rule 13 CPC is dismissed or even after the application under Order 9 Rule 13 CPC having been allowed, the suit is decreed and the decretal amount is more than the amount of Rs.5,20,000/-, then the said amount would be retained by the respondent no.1 and would not be returned to the petitioners and it would be open to the respondent no.1 to file a fresh execution with respect to the balance amount, if any.
- iv) The order dated 07.02.2025 issuing the warrants of attachment in view of the abovesaid facts is set aside.

5. It is made clear that this Court has not opined on the merits of



CR-1180-2025

4

the application under Order 9 Rule 13 CPC or the main suit and the said proceedings would be decided independently in accordance with law after hearing all the parties concerned.

**(VIKAS BAHL)
JUDGE**

March 18, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No