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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EX.P. No.43/2016

ANIL KUMAR GUPTA

..... Decree Holder

Through: Mr. Sachin Kumar Jain and Mr.
Aman Chaudhary, Advs.

versus

ANIL GUPTA

..... Judgement Debtor

Through: Mr. Ankur Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.10.2016

EA No.684/2016 (of the judgment debtor for re-call of the warrants of attachment issued on 28th September, 2016).

1. Though the counsel for the decree holder appears on advance notice but does not know anything about the case and his appearance is as good as no appearance.
2. The counsel for the applicant/judgment debtor on enquiry states that the applicant/judgment debtor who is present in Court is willing to give an undertaking to this Court to pay all subsequent instalments in payment of the decretal amount at the rate of Rs.1,50,000/- per month till the entire decretal amount is paid and is further willing that in the event of any further default, the judgment debtor besides becoming liable for payment of the entire decretal amount forthwith would also become liable for consequences of contempt of this court by breach of undertaking given to this court.
3. The applicant/judgment debtor present in court and as identified by his counsel undertakes to this court that he will by the 10th day of every

Month, with effect from the month of November, 2016, pay a sum of Rs.1,50,000/- to the decree holder till the entire decretal amount is paid and if defaults in such payment shall also become liable to pay interest at the rate of 18% per annum on the entire outstanding amount from the date of default and till the date of payment.

4. The applicant/judgment debtor has been informed of the consequences of breach of undertaking given to the court.

5. The undertaking of the applicant/judgment debtor is accepted and he is ordered to be bound thereby.

6. On the aforesaid basis, the warrants of attachment issued on 28th September, 2016 are re-called and EA No.684/2016 is disposed of.

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7. In view of the aforesaid it is also not deemed necessary to keep this execution pending. However in the event of the judgment debtor being in breach of the undertaking given to this court, the decree holder besides applying for revival of this execution and/or for filing a fresh execution petition shall also be entitled to take proceedings against the judgment debtor for contempt of this court by breach of undertaking.

8. The execution petition is disposed of.

9. The date of 24th November, 2016 stands cancelled.

RAJIV SAHAI ENDLAW, J

OCTOBER 17, 2016

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