

\$~8

\*

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

+

W.P. (C) 1099/2014, CM APPL.2284/2014

JAI NARAIN

..... Petitioner

Through: Mr. T.D. Yadav, Advocate.

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Naushad Ahmad Khan with Ms.  
Astha Nigam, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**

**02.02.2016**

%

The petitioner is aggrieved by the order of the Assistant Collector in Rec.case no.3643/02/03 F.No.2629 entitled Jwala Co-operative Urban Thrift & Credit Society Ltd. v. Jai Narain (Principal Debtor). It is contended that the impugned order directing seizure and appropriation of ₹3,20,000/- from the original writ petitioner's account in the Corporation Bank - a garnishee order in effect - is unjustified.

During the pendency of these proceedings, the petitioner had died. He has been substituted instead by his legal representative, his widow.

It was submitted that the deceased petitioner's widow receives

a meagre pension and under the circumstances, execution for recovery of ₹3,20,000/- is illegal as it violates Section 60 (1) of the Code of Civil Procedure. It was contended besides that the original amount borrowed was only ₹50,000/-.

The record would show that the original liability by the petitioner and several others was calculated and sought to be executed by repayment through instalment of ₹3,000/- per month. This amount was later reduced to ₹1750/- by an order of this Court. Having regard to the overall circumstances of the case, the petitioner's contentions and objections as to the correctness of legality of the garnishee order, directing seizure of the amount to the extent of ₹3,20,000/- from the account of late Jai Narain with the Corporation Bank shall remain suspended pursuant to the interim order of the Court. The concerned Collector seized of execution proceedings shall decide the objections of the petitioner, if any, to be made within two weeks from today. The final orders on the said objections shall be made preferably within three months from today. The interim order made in these proceedings shall be continued till then; at the same time, the writ petitioner shall not withdraw any amount from the said account. The writ petition is disposed off in the above terms.

**S. RAVINDRA BHAT, J**

**DEEPA SHARMA, J**

**FEBRUARY 02, 2016**

**/vikas/**