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

+ EX.P.142/2005 & EA No.718/2016 (of DH for directions)

NIHAL CHAND SAPRA AND ANR. Decree Holders
Through: Mr. Yog Verdhan, Adv.

Versus

SUSHIL KUMAR MEHTA Judgement Debtor
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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26.10.2016

1. This order is in continuation of the earlier order dated 29th August, 2016.
2. The counsel for the decree holders states that the costs imposed on 29th August, 2016 have been deposited and the receipt has been filed in the Registry.
3. The decree holder No.2, Mr. Lalit Kumar Sapra has filed EA No.718/2016 for committing the judgment debtor to the civil imprisonment.
4. However, the said application has been filed in oblivion of the judgment of the Supreme Court in *Jolly George Varghese Vs. The Bank of Cochin* (1980) 2 SCC 360.
5. The application as filed does not make out a case for execution of this money decree by committing the judgment debtor to civil imprisonment.
6. EA No.718/2016 is dismissed with liberty to the decree holder to file application after studying the law.

7. The counsel for the decree holders also states that warrants for arrest of the judgment debtor have been issued in proceedings under Section 138 of the Negotiable Instruments Act, 1881 but which have not been executed, as the judgment debtor is evading arrest also.

8. I have wondered, what purpose issuing warrants of arrest, even if a case therefor in this execution is made out, will serve, if the decree holder is unable to have the other warrants served.

9. The conduct of the decree holders in this execution is highly lackadaisical.

10. Be that as it may, in accordance with the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice of this Court in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015, the execution is transferred to the Subordinate Courts.

11. Since the address disclosed in EA No.718/2016 of the judgment debtor is of East of Kailash, New Delhi which is stated by the counsel for the decree holder to fall in District (South-East), Saket Courts Complex, New Delhi, the execution petition is transferred to the Court of District Judge, District (South-East), Saket Courts Complex, New Delhi.

12. The counsel for the decree holder to appear before the Additional District Judge / District Judge, District (South-East), Saket Courts Complex, New Delhi on 8th December, 2016.

RAJIV SAHAI ENDLAW, J.

OCTOBER 26, 2016

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