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

+ EX.P. 222/2006

SADANAND A. SHETTY Decree Holder
Through: Mr. C. Mukund and Mr. Bhupesh
Kumar Pathak, Advs.

Versus

PRADEEP JAIN & ANR Judgement Debtors
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **02.11.2016**

1. This order is in continuation of the earlier orders dated 16th August, 2016 and 25th October, 2016.
2. The counsel for the decree holder (DH) states that an amended memorandum of parties has been filed on 27th October, 2016.
3. However neither is the same on record nor is there any office note of the same lying under objection. Needless to sate, the counsel for the DH has not taken trouble to find out after 27th October, 2016, whether the same is on record or not or whether the same is lying under objection or not.
4. The counsel for the DH, to justify that the judgment debtor (JD) is the owner of properties No.D-961 and D-962, New Friends Colony, New Delhi has handed over a communication of HKJ & Associates Advocates & Consultants to contend that a search of the title of the said properties was got carried out in the office of South Delhi Municipal Corporation.

5. However, the said communication is with reference to properties No.D-961 and D-962, Defence Colony, New Delhi and not D-961 and D-962, New Friends Colony, New Delhi mentioned in the schedule of properties of the JD filed with the execution petition and of which warrant of attachment were earlier ordered to be issued and no steps wherefor were taken. It is not understandable, as to why the search of title of properties in Defence Colony was undertaken when the properties of the JD are stated to be situated in New Friends Colony. No answer has been forthcoming.
6. The counsel for the DH then reads out from his file a paragraph of objections stated to have been filed by Mr. Sudheer Pandey on 26th October, 2009.
7. From the file it transpires that Mr. Sudheer Pandey was the Advocate for the JD and was not the objector.
8. No objections dated 26th October, 2009 are found on file. The counsel for the DH neither has any number of the said objections nor has any pagination with him.
9. It is evident that this execution petition is being kept pending for the sake of pendency, without intending to take any effective steps therein. This is inspite of the earlier orders in the execution petition, when it was made clear that if appropriate steps are not taken, the execution petition shall be dismissed for non-prosecution. No seriousness has been shown in the matter.
10. Dismissed for non-prosecution.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 02, 2016/bs..

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