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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. 30/2006, EA No.263/2010 (u/O XXI R-22&30 CPC) & EA
No.884/2012 (u/S 47 CPC)
E.D.C. LTD. Decree Holder

Through: Mr. G.S. Narula & Mr. M. Sarwar,
Advs.

Versus

SHREE TRILOKNATH GAMBHRI Judgement Debtor
Through: Mr. Amit Mahajan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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07.11.2016

1. This order is in continuation of the earlier order dated 6th October, 2016.
2. The counsel for the decree-holder states that the decree-holder has not been able to find any asset of the judgment-debtor from which the monies decreed can be realised. He seeks adjournment *sine die* of the execution petition with liberty to the decree-holder to revive as and when the decree-holder discovers any assets of the judgment-debtor.
3. Vide the order dated 6th October, 2016, the judgment-debtor was directed to remain personally present in the Court and the counsel for the judgment-debtor states that the judgment-debtor is so present but the counsel for the decree-holder states that there is no need for enquiries to be made from the judgment-debtor as to his financial affairs or any statement to be recorded of the judgment-debtor, as the judgment-debtor has already filed an affidavit.

4. This execution petition has already remained pending for the last ten years and once the decree-holder is unable to suggest any ways in which the decree can be executed for the said period of ten years, the execution petition cannot be kept pending in perpetuity by adjourning the same *sine die* as sought.
5. The same would be contrary to the provisions of the Limitation Act, 1963 which give only a period of 12 years to the decree-holder to execute the decree.
6. The decree-holder, by filing of execution petition and not taking any effective steps therein, cannot extend the period of limitation.
7. The execution is thus dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 07, 2016

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