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

+ EX.P. 107/2012, EA No.227/2013 (objections on behalf of Union Bank of India) & EA No.629/2013 (u/O XXI R-58 CPC)

M/S APPRECIATE FINCAP PVT LTD Decree Holder
Through: Mr. Kapil Kher, Ms. Harsha, Mr. B.P. Lathwal & Mr. Rishi Manchanda, Advs.

Versus

HKK BUILDWELL PVT LTD Judgement Debtor
Through: Mr. Aditya Gupta, Adv.
Mr. Aditya Madan, Adv. UBI.

AND

+ EX.P. 148/2014 & EA(OS) No.835/2014 (u/O XXI R-58 CPC)

KALIBER ASSOCIATES PVT LTD Decree Holder
Through: Mr. Kapil Kher, Ms. Harsha, Mr. B.P. Lathwal & Mr. Rishi Manchanda, Advs.

Versus

HKK BUILDWELL PVT LTD Judgement Debtor
Through: Mr. Aditya Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.08.2016**

1. The decree-holder in both these execution petitions seek execution of the decrees for recovery of money from the same judgment-debtor in both execution petitions by attachment and sale of property of the judgment-debtor at Sonapat.

2. The property has already been attached.

3. Though the judgment-debtor is not appearing but in Execution Petition no.107/2012 objections by way of EA No.227/2013 have been filed by Union Bank of India (UBI) and objections by way of EA No.629/2013

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have been filed by one Rangoli Projects Pvt. Ltd.

4. Similarly objections have been filed by Rangoli Projects Pvt. Ltd. by way of EA(OS) No.835/2014 in Execution Petition No.148/2014.

5. The counsel for Rangoli Projects Pvt. Ltd. has not appeared and sent a request for Passover.

6. The counsel for UBI states that the property stands mortgaged by the judgment-debtor with the said bank.

7. I have however enquired from the counsel for the decree-holder as to what purpose the decision of the objections before this Court will serve and whether not as per law the decree-holder was to have the decree transferred for execution to the court of appropriate jurisdiction at Sonapat within whose jurisdiction the property from which the money decrees are sought to be satisfied is situated.

8. The counsel for the decree-holder states that the attachment order be continued for some time and the decree be transferred to the Court of appropriate jurisdiction at Sonapat.

9. Allowed.

10. The decrees are transferred to the Court of District Judge, Sonapat for execution.

11. A certificate of transfer of the decree along with a certificate of non-satisfaction of the decree subject matter of both execution petitions, along with ancillary documents, be issued to the decree-holders within 15 days of today.

12. The decree-holder is granted time till 10th November, 2016 to apply for execution in the court of appropriate jurisdiction to which the decree is transferred.

13. Till 10th November, 2016, the attachment order of this court shall remain in force; thereafter it will be up to the court before which execution is sought to extend the said attachment order or to grant a fresh attachment order or to refuse the same as may be deemed appropriate.

14. With the aforesaid directions, the petitions are disposed of.

AUGUST 31, 2016
'gsr'..

EX.P. 107/2012 & EX.P. 148/2014

RAJIV SAHAI ENDLAW, J

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