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

Date of Decision: September 15, 2016

+ **EX.F.A. 17/2011**

DELHI DEVELOPMENT AUTHORITY Appellant
Through: Mr. Arjun Mahayan, Advocate

versus

SK ENTERPRISES Respondent
Through: Mr. S.K. Jain and Ms. Reetika
Wadhwa, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
(ORAL)

Vide impugned orders of 12th November, 2010 and 24th December, 2010, the executing court had directed issuance of warrants of attachment of the bank account of appellant-JD for a sum of ₹1,15,346/- and the objections filed by appellant to the execution of the decree stands dismissed while noting that the entire decretal amount stands paid to the respondent-decree holder.

In this appeal, the challenge to impugned orders is on the ground that the objections of appellant-JD that an amount of ₹2,49,641/- only with due interest was payable to the decree-holder as on 30th April, 2010 has not been dealt with in the impugned orders in the right perspective

and so, impugned orders deserve to be set aside and the matter needs to be remanded back to trial court to justify calculation of the amount due as ₹3,44,511/-.

Learned counsel for respondent-decree holder maintains that impugned orders do not suffer from any infirmity.

Upon hearing and on perusal of impugned orders and the material on record, I find that calculation of sum of ₹3,44,511/- as amount due, is without any basis. The executing court ought to have justified the calculation made and put forth the reason as to why the amount payable is ₹3,44,511/- and not ₹2,49,641/- as on 30th April, 2010.

In view of aforesaid, impugned orders are set aside and the matter is remanded back to the trial court for re-calculation of the amount due and to deal with the objections of no interest being payable on the interest amount. Let the parties through their counsel appear before the trial court on 6th October, 2016. It is expected that the trial court shall pass a fresh order preferably within a period of three months from the date so fixed by it.

Trial court be apprised of this order forthwith.

With aforesaid directions, this appeal is disposed of.

(SUNIL GAUR)
JUDGE

SEPTEMBER 15, 2016

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