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

+ EX.P. 240/2014

IFFCO-TOKIO GENERAL INSURANCE CO LTD & ANR

..... Decree Holders

Through : Mr. Palash Singhal, Advocate

versus

M/S DYNAMIC MOVERS PVT LTD

..... Judgement Debtor

Through : Mr. Vishnu Langawat, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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08.09.2016

EA No.775/2015 (by JD u/O XXI R-23(2) CPC)

1. The present application has been filed by the Judgment Debtor praying *inter alia* that the execution petition may be kept in abeyance till the disposal of the application filed by it in CS (OS) 436/2008, under Order IX Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 9.7.2013.

2. On a query posed to the counsel for the Judgment Debtor as to the status of the application filed under Order IX Rule 13 CPC, the Court is informed that the said application was dismissed as withdrawn, vide order dated 7.8.2015. A copy of the order dated 7.8.2015 passed in CS(OS)No.436/2008 has been handed over by counsel for the Decree Holders and is taken on record.

3. In view of the fact that the aforesaid application stands dismissed as withdrawn, no further orders are required to be passed on the present

application. The same is accordingly disposed of.

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1. Counsel for the Decree Holders states that all the assets of the Judgment Debtor, which has its registered office at Gurgaon, Haryana, are in the State of Haryana. He requests that a transfer certificate may be issued in favour of the Decree Holder for presenting the present petition before the competent court vested with the territorial jurisdiction in that regard, namely, the District & Sessions Judge, Gurgaon, Haryana.
2. Accordingly, the Registry is directed to issue a transfer certificate to the Decree Holders for them to present their case before the appropriate court having territorial jurisdiction, for further proceedings.
3. As both the parties are represented today, they are directed to appear before the District & Sessions Judge, Gurgaon, Haryana on 7th October, 2016, for further proceedings.
4. The execution petition is disposed of.

SEPTEMBER 08, 2016
sk/ap

HIMA KOHLI, J