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

+ EFA(OS) 12/2016, C.M. APPL.13731/2016

L & T FINANCE LIMITED Appellant
Through : Sh. Puneet Kumar Gaur, Advocate.

versus

ODEON BUILDER PVT LTD & ORS Respondents
Through : None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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19.04.2016

This appeal by the Decree Holder in execution proceeding complains that by the impugned order, the learned Single Judge had merely issued notices to the respondents/Judgement Debtors and the third party garnishee who is also impleaded at the behest of the Court. Decree Holder complains that the lack of any interim stay order prejudices it. It relies upon Order XXI Rule 22 CPC to contend that since decree was sought to be executed within the two year period contemplated, there was no need even for a Show Cause Notice and that in the absence of *status quo* or attachment, serious prejudice would occur.

This Court is of the opinion that facially, the appeal is not maintainable because it is directed against only a Show Cause Notice. However, in view of the contentions made, the appellant/Decree Holder is at liberty to approach the learned Single Judge for

appropriate directions with respect to the reliefs it seeks in these proceedings, including an *ad interim* order. Learned Single Judge may consider and make appropriate order on the returnable date, i.e. 13.05.2016. The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

APRIL 19, 2016

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