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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. No.112/2016
SH SUDERSHAN KUMAR SHARMA Decree Holder
Through: Mr. Raj Kishore Garg, Adv.

versus

M/S ASIANS BUILDTECH ENGINEERS Judgement Debtor
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **04.08.2016**

1. Execution is sought of a money decree by attachment of moveable and immovable properties of the judgment-debtor.
2. Neither has the decree holder filed any affidavit of non-satisfaction of the decree nor anything to show that the properties which are sought to be attached belong to the judgment debtor. Without even an affidavit to the said effect being filed, warrants for attachment cannot be issued.
3. Interestingly, the counsel for the decree holder states that the judgment debtor is a Company. On enquiry that if it is a Company then why does the name of the judgment debtor not show the word 'Limited' or 'Private Limited', he states that the decree holder does not know whether the judgment debtor is a Company or what is its constitution. It is also stated that the decree holder does not know who are the directors or owners of the judgment debtor.
4. It is quite apparent that the decree holder himself is in the dark.

5. The decree holder to first verify the correct facts, state the same on affidavit and then only can seek execution.
6. I may notice that the name of the judgment debtor in the decree also does not show the judgment debtor to be a Company as the counsel for the decree holder states.
7. Dismissed.

RAJIV SAHAI ENDLAW, J

AUGUST 04, 2016
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