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

CS(OS) 1190/2006

MUKESH GUPTA

..... Plaintiff

Through: Mr. Apar Gupta and Ms. Garima Jain,
Advs.

Versus

SANJAY NAGPAL AND ANR

..... Defendants

Through: Mr. Buddy Ranganadhan, Mr.
Pratyush Miglani, Mr. Karan Sethi
and Mr. Raghu, Advs.

AND

+ EX.P. 277/2013

MUKESH GUPTA

..... Decree Holder

Through: Mr. Apar Gupta and Ms. Garima Jain,
Adv.

Versus

SAVITA NAGPAL

..... Judgement Debtor

Through: Mr. Buddy Ranganadhan, Mr.
Pratyush Miglani, Mr. Karan Sethi
and Mr. Raghu, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.10.2016

IA's No.2337/2016 & 2338/2014 (of Ms. Parul Nagpal and Mr. Raghav Nagpal children of D-1 Mr. Sanjay Nagpal u/O IX R-13 CPC and for condonation of 1270 days delay in applying therefor) in CS(OS) No.1190/2006 & EX.P. No.277/2013 & EAs No.264/2016 (objection on behalf of LR of JD) & 696/2016 (for leave to file amended affidavits of LRs of JD)

1. This order is in continuation of the earlier orders dated 14th September and 29th September, 2016.

2. The counsel for the applicants Ms. Parul Nagpal and Mr. Raghav Nagpal states that affidavits in terms of para 5 of the order dated 29th September, 2016 were filed but erroneously the reference therein is to judgement debtor and without realising that the judgement debtor as shown in the cause title of the Execution Petition is Ms. Savita Nagpal and not Mr. Sanjay Nagpal. He however states that the statement made in the affidavits pertain to Mr. Sanjay Nagpal and fresh affidavits under EA No.696/2016 in EX.P. No.277/2013 have been filed.

3. EA No.696/2016 is allowed and the affidavits filed therewith are taken on record.

4. The applicants Ms. Parul Nagpal and Mr. Raghav Nagpal in response to para 5 of the order dated 29th September, 2016 have stated that the judgment debtor Mr. Sanjay Nagpal did not leave any other asset.

5. In the aforesaid circumstances, the applications and the Execution Petition are disposed of by directing the Andhra Bank, Rajdhani Enclave, New Delhi to release the amount of Rs.45,684.11 paise in Account No.104210011002899 of Mr. Sanjay Nagpal and Ms. Savita Nagpal with Andhra Bank, Rajdhani Enclave, New Delhi together with interest accrued thereon till the date of release in favour of the plaintiff/decreed holder Mr. Mukesh Gupta. Directions in this regard are issued to the Andhra Bank, Rajdhani Enclave, New Delhi, Manager/Chief Manager whereof is directed to within one week of production by the plaintiff/decreed holder of a copy of this order to be supplied to the counsel for the plaintiff/decreed holder under the signatures of the Court Master, release the said amount in favour of the plaintiff/decreed holder Mr. Mukesh Gupta.

6. The applicants Ms. Parul Nagpal and Mr. Raghav Nagpal to cooperate in the same and ensure that the amount is so released in favour of the plaintiff/decreed holder.
7. The counsel for the plaintiff/decreed holder states that the Bank be also directed to furnish the particulars of further transactions if any in the aforesaid account, after the date of demise of Mr. Sanjay Nagpal.
8. On enquiry, it is stated that the same are necessary to confirm that there are no other asset of the judgment debtor Mr. Sanjay Nagpal.
9. The applicants Ms. Parul Nagpal and Mr. Raghav Nagpal being the children of the judgment debtor Mr. Sanjay Nagpal having stated on oath that there are no other asset, need to further keep the proceedings pending on this ground is not felt. Needless to state that if it is at any time discovered by the plaintiff/decreed holder that the statements made by the applicants Ms. Parul Nagpal and Mr. Raghav Nagpal on affidavit are false, the plaintiff/decreed holder shall have remedies in law.
10. The applications in CS(OS) No.1190/2006 as well as execution petition with pending applications are disposed of.

No costs.

RAJIV SAHAI ENDLAW, J.

OCTOBER 20, 2016

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