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

+ CM(M) 927/2016 & CM Nos.34168-34169/2016

KUNDAN LAL LAMBA Petitioner
Through Mr.Jagdish Arora, Adv.

versus

GULVINDER KUMAR ANAND Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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22.09.2016

1. By the present petition the petitioner seeks to impugn the order dated 6.8.2016 by which order the executing court has issued warrant of attachment regarding property bearing No.37, Shakti Vihar, Pitam Pura and has recalled the order regarding property bearing No.110, Shakti Vihar, Pitam Pura, Delhi.
2. Learned counsel for the petitioner submits that there is no basis for passing attachment order against the property No.37 Shakti Vihar, Pitam, Pura, Delhi. It is urged that the said property is already mortgaged to a bank. It is also urged that it is the only residential house of the judgment debtor.
3. It is obvious that these are pleas which have to be raised before the trial court. The admitted fact is that a decree has been passed against the judgment debtor. The appeal was filed before this Court being RFA 99/2016. An interim order was passed directing the petitioner to deposit the entire decretal amount. The order was not complied with and the conditional

stay granted on execution of the said decree was vacated by the High Court.

4. Hence, there is no merit in the present petition. The present petition is dismissed leaving it open to the petitioner to urge his objections before the trial court. All pending applications, if any, also stand disposed of accordingly.

JAYANT NATH, J

SEPTEMBER 22, 2016

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