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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. No.141/2016, Caveat No.902/2016 and EA No.691/2016
(under Order XXI Rule 41 of the CPC).

M/S AL-MUSTANEER ESTABLISHMENT
FOR TRADE

..... Decree Holder

Through: Mr. Sonal Sinha, Adv.

versus

SYNDICATE BANK

..... Judgement Debtor

Through: Ms. Kunal Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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19.10.2016

1. Execution is sought of a money decree for recovery of Rs.24,45,045.89p with interest.
2. It is stated in the execution petition itself that the judgment debtor Bank has preferred an SLP(C) No.24977/2012 to the Supreme Court.
3. The counsel for the decree holder has handed over in the court a copy of the orders of the Supreme Court in the said proceedings to demonstrate that there is no stay of execution.
4. A caveat has been filed by the judgment debtor Bank and which is also listed and in response thereto Mr. Kunal Anand, Advocate appears. On enquiry whether there is any stay against execution he states "he is not very clear" and seeks adjournment.
5. Once the judgment debtor Bank has filed a caveat and the counsel has chosen to appear in response thereto, appearing without knowing anything and without any clarity is not understandable. Once a caveat has been filed, the caveator is to come prepared to the court and not for the sake of marking

appearance.

6. Be that as it may, in accordance with the enhanced pecuniary jurisdiction of this court vide Delhi High Court (Amendment) Act, 2015, the execution should have been instituted in the subordinate courts.

7. The counsel for the decree holder upon being given an option, instead of opting for return of the execution desires transfer of the paper book to the concerned subordinate court.

8. Both counsels state that the execution be transferred to the District Judge, New Delhi, Patiala House Courts, New Delhi which is also found to have territorial jurisdiction over the matter inasmuch as the branch office concerned of the judgment debtor Bank is situated at Connaught Circus, Connaught Place, New Delhi.

9. Accordingly the paper book is transferred to the court of District Judge, New Delhi, Patiala House Courts, New Delhi.

10. The parties to appear before the Additional District Judge/District Judge, New Delhi, Patiala House Courts on 3rd December, 2016.

RAJIV SAHAI ENDLAW, J

OCTOBER 19, 2016

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