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

+ EFA(OS) 23/2016

MMTC LTD

..... Appellant

Represented by: Mr.Chinmoy Pradip Sharma,
Advocate with Mr.Gauri
Subramaniam, Mr.Sayan Ray,
Mr.Vishal Balecha, Mr.Ishan
Das, Advocates

versus

VITOL S A AND ANR

..... Respondents

Represented by: Mr.Sandeep Sethi, Sr.Advocate
instructed by Mr.Arvind Kumar
Gupta, Mr.Aditya Krishna
Murthy, Ms.Alpna
Malik, Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.10.2016

Cav 867/2016

Counsel as above appears for the respondent/caveator and hence the
caveat is discharged.

CM No.37031/2016

Allowed subject to just exceptions.

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1. Having perused the affidavit filed by the appellant in compliance with
the order dated July 16, 2015, learned counsel for the appellant fairly
concedes that the affidavit is fairly confusing and does not set-out the facts

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required to be considered by the Court to decide what sum appellant should deposit in Court as a garnishee.

2. Faced as aforesaid, we grant liberty to the appellant to withdraw the appeal observing that the appellant would be entitled to file an application indicating clearly therein what amount it admits payable to the judgment debtor and on what facts it pleads that no order be passed against it as a garnishee to secure full or any part of the decretal amount against the judgment debtor.

3. Needless to state, if such an application is filed the learned Single Judge shall accord a consideration thereto.

4. The appeal is dismissed as not pressed.

5. No costs.

CM No.37030/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

OCTOBER 05, 2016

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