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

+ CM(M) 1031/2016

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
CORPORATION LTD Petitioner

Through Ms.Deepali Gupta, Adv.

versus

JAGBIR & ANR Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

07.10.2016

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1. Learned counsel for the petitioner submits that the amount payable as per order of the Additional District Judge dated 24.11.2015 was paid whereby attachment for Rs.49,72,868/- was ordered. She submits that this amount has already been taken away by the respondent. She further submits that now the respondent has filed a fresh Execution on which the impugned attachment order has been passed without giving an opportunity to the petitioner to file objection. She further submits that fresh execution is based on the judgment and enhancement passed by this court in its order dated 23.8.2011. She submits that above order dated 23.8.2011 passed by this court pertained to a batch matter and the respondent was not a party to the said batch matter and has also not filed any appeal before this court. She further submits that the execution itself is entirely misconceived. She submits that DSIIDC is not a proper party and has not even received the possession of the land and the impugned attachment orders are erroneous.

2. I may note that counsel for both respondents have been served but

none is present on their behalf.

3. In view of the fact that execution order has been passed without an opportunity to the petitioner to file objection, in my opinion, in the interest of justice, execution order should be stayed till the petitioners file the objections and the same are disposed of.

4. Accordingly, subject to deposit of the amount for which the attachment has been ordered within four weeks from today, the warrants of attachment shall remain stayed. The petitioner is granted three weeks time to file objections. The Executing court is free to deal with such objections if filed as per law and also pass appropriate orders regarding the amount that may be deposited by the petitioner.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

6. A copy of this order be given dasti under signatures of the court master to counsel for the petitioner, as prayed.

JAYANT NATH, J

OCTOBER 07, 2016

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