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

+ CM(M) 1067/2016 & CM Nos.39216/2016 -39218/2016

M.K. RASTOGI

..... Petitioner

Through Dr.Rajeev Sharma, Mr.J.S.Saran,
Mr.J.P.Tripathi and Mr.Girdhar G.Upadhyay,
Advocates

versus

LATA DETWAN

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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24.10.2016

1. By the present petition filed under Article 227 of the Constitution of India the petitioner has sought to impugn the order dated 30.9.2016 of the trial court whereby his objections under Section 21 Rule 101 of CPC read with section 151 CPC was dismissed. The suit has been decreed against the respondent and a decree of possession has been passed in favour of the respondents and against the petitioner regarding Shop No.G/28, Vardhman Royal Plaza, LSC(GF), Gujrawala Town, Part-I, Delhi. A decree of Rs.8,95,000/- has also been drawn up in favour of the respondent and against the petitioner on account of arrears of rent.

2. Learned counsel for the petitioner has made various submissions to contend that the money decree for Rs.8,95,000/- has been erroneously made. However, after some arguments learned counsel for the petitioner submits that at least two months' time may be given to the petitioner to pay the decretal amount. He submits that as far as possession is concerned the respondent has already executed the decree and possession has been handed

over to the respondent of the suit property.

3. A perusal of the impugned order shows that the court had issued warrants of attachment of moveable goods of the petitioner, returnable for 3.11.2016. On the petitioner's depositing a sum of Rs.2 lacs before the executing court on 3.11.2016 by cash or banker's cheque, the attachment proceedings against the petitioner for moveable properties shall remain stayed for a period of two months from 3.11.2016 to enable the petitioner to comply with the decree.

4. In view of the above facts, the present petition stands dismissed. All pending applications, if any also stand disposed of accordingly.

5. A copy of this order be given *dasti* under the signature of the court master to the learned counsel for the petitioner.

JAYANT NATH, J

OCTOBER 24, 2016

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