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

+ CM(M) 1175/2016 & CM No.42610/2016

ICICI BANK LTD

..... Petitioner

Through Mr.Punit K.Bhalla, Ms.Chetna Bhalla
& Mr.Kashish, Advocates

versus

MUKESH KUMAR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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07.12.2016

CM Nos.42610/2016 (*exemption*)

Allowed subject to all just exceptions.

CM(M) 1175/2016

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 13.10.2016 passed by the trial court where notice was issued to the respondent.
2. The grievance of the petitioner is that in a petition under Article 227 of the Constitution of India before this court being CM(M) No.1278/2015, titled as 'ICICI Bank Ltd. v. Mukesh Kumar, dated 15.09.2016 this court had passed certain directions appointing a receiver to take possession of the commercial vehicle. Other detailed directions were also passed. Liberty was granted to the trial court to pass any order that it may deem fit in respect of the application pending before it.

3. The learned counsel appearing for the petitioner submits that the receiver has not been able to trace the vehicle in question and hence is yet to submit his report and to complete the process. He submits that in view of the order dated 13.10.2016 passed by the trial court, the order appointing the receiver stands revoked. This contention of the petitioner is misplaced.

4. The order passed by this court dated 15.09.2016 has appointed a receiver to take possession of the vehicle. After having taken possession of the vehicle the receiver is to file a report before the trial court within one week of taking possession of the said vehicle. No time frame has been specified for the time that the receiver would take in taking over the possession of the vehicle. The order would obviously continue to remain in force unless it specifically revoked for stated reasons. There is no such revocation which can be read in order dated 13.10.2016. The receiver continues to enjoy the power which was conferred by this court in its order dated 15.09.2016.

5. With the above observation, the present petition stands disposed of.

6. *Dasti.*

JAYANT NATH, J.

DECEMBER 07, 2016/v