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

+ EX.P. 165/2016

HARVINDER PAL SINGH & ANR. Decree Holders
Through: Mr. Tuhin Batra, Adv.

Versus

S.K. MUKHERJEE & ANR. Judgement Debtors
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.12.2016**

EA No.865/2016 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. The petition seeks execution of a decree in a suit, valuation whereof for the purposes of court fees and jurisdiction is below the enhanced minimum pecuniary jurisdiction of this Court. The execution petition, in accordance with Section 37 of Code of Civil Procedure, 1908 (CPC), ought to have been filed in the Court of the District Judge.

4. Faced therewith, the counsel for the decree holders states that since execution of a decree for specific performance of an agreement of sale has been sought and the balance sale consideration as per directions has been deposited in this Court, the execution has been filed in this Court.

5. In my view, the same would not be a reason for this Court to entertain the execution petition exercising the discretion vested in this Court in Section 37 CPC supra. It is always open for the judgment debtors to, after execution of the sale deed, approach this Court for release of the sale consideration if any deposited here.

6. The execution is thus rejected with liberty to the decree holders to approach the Court of appropriate jurisdiction.

RAJIV SAHAI ENDLAW, J.

DECEMBER 22, 2016

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