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

+ EX.P. 329/2015

BHARAT PETROLEUM CORPORATION LTD

..... Decree Holder

Through: Mr. S.S. Ray, Vaibhav Gulia, Rakhi
Ray, Advocates

versus

MR JAGRIT KHAITAN (DECEASED)

..... Judgement Debtor

Through: Mr. Gaganpreet Chawla, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
10.02.2016

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O.A. No.38/2016

The decree holder has preferred this chamber appeal being aggrieved by the imposition of costs of Rs.1,000/- upon the decree holder for filing the rejoinder. Learned counsel submits that the decree holder does not wish to file the rejoinder and that the delay in filing the rejoinder was on account of the fact that the decree holder is a public sector corporation.

Even though the decree holder may not now decide to file the rejoinder – that cannot be a reason to waive the costs. However, in the interest of justice, the costs are waived.

The appeal stands disposed of.

EX.P. 329/2015

Counsel for the decree holder points out that since the property, which is sought to be sold for realisation of the amount under the decree in question is situated in Mumbai, the present decree be transferred to the competent court at Mumbai for execution. It is pointed out that execution petition being Ex. P. Nos.419/2008 and 421/2008 also preferred by the decree holder against the same judgment debtor was transferred by this court on 29.11.2013.

Accordingly, the present execution petition is transferred to the competent court at Mumbai for execution. The transfer certificate be issued in favour of the decree holder.

The matter need not be listed before the joint registrar tomorrow.

VIPIN SANGHI, J

FEBRUARY 10, 2016

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