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

+ EX.P. 13/2014 and EA (OS) 281/2016

M/S FMI INVESTMENT P LTD Decree Holder

Through: Mr. Vidit Gupta, Advocate

versus

MONTARI INDUSTRIES LTD & ANR Judgement Debtors

Through: Mr. Rahul proxy counsel for Mr. Alok
K. Agarwal, Advocate for R-2

Mr. Sudhir Makkar, Sr. Adv. with Ms. Meenakshi
Singh, Advocate for Sunshine India Pvt. Ltd.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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10.02.2017

Cost imposed by order dated 27.07.2016 against M/s. Sunshine India Pvt. Ltd. has been paid by its counsel to the counsel for the decree holder by a cheque in the court today.

Noticeably, the decree was passed on 11.10.2012 when the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 was not in force. Having regard to the decretal amount, the execution proceedings at hand require to be transferred to the District Courts due to change in the pecuniary jurisdiction and order of Hon'ble the Chief Justice dated 17.11.2016.

The learned counsel for the decree holder / execution petitioner

submitted that given the address of the second judgment debtor, it being at Prithvi Raj Road, New Delhi, the execution proceedings may be transferred to New Delhi District Courts to which the other parties have no objection.

Thus, the execution petition at hand is transferred to the file of the District Judge, New Delhi at Patiala House Courts Complex for further proceedings in accordance with law. The parties shall appear before the transferee execution court on 23.02.2017.

It appears that some money pursuant to earlier orders in these execution proceedings was deposited in the Registry of this court and is statedly lying in fixed deposit receipt earning interest. In this view, as now fairly agreed by all sides, the said deposit shall remain with the Registry subject, however, for its disbursal in accordance with the directions to be hereafter given by the transferee executing court.

R.K.GAUBA, J

FEBRUARY 10, 2017

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EX.P. 13/2014

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