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

+ C.R.P. 18/2017

KAPIL ANAND

..... Petitioner

Through Mr.Arun Sharma, Advocate

versus

M/S GENPACT INDIA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.01.2017

CM Nos.3354-3355/2017

Exemption allowed, subject to all just exceptions.

C.R.P. 18/2017 & CM No.3353/2017 (stay)

1. By the present Revision Petition under Section 115 read with section 151 of CPC the petitioner seeks to impugn the order dated 2.1.2017 by which an application filed by the petitioner/Judgment Debtor under section 151 CPC and another application under Order 21 Rule 26 CPC for stay of the execution proceedings was dismissed. The respondent filed a suit for recovery of an amount of Rs.47,570/-. The suit was decreed ex parte on 30.11.2007 by the Civil Judge, SD, Jaipur. The decree has been sent to the Court at Delhi for execution. The petitioner claims that he has already filed a Demand Draft for a sum of Rs.46,484/- and has requested the trial court for cancellation of the warrants of arrest. At that time an attempt was also made to try and settle the matter before the Mediation Centre but it was unsuccessful.

2. A perusal of the impugned order shows that the Executing Court has

concluded that the petitioner/Judgment Debtor appears in court only intermittently and that too only after warrants of arrest were issued against him. Despite directions he is not depositing the entire decretal amount of Rs.74,444/-. Accordingly, the applications were dismissed.

3. Learned counsel appearing for the petitioner submits that the ex parte decree has been wrongly obtained by the respondents and an application under Order IX Rule 13 CPC has been filed before the appropriate court of Jaipur and the same is coming up for hearing on 15.2.2017. He states that the petitioner will abide with the orders of the court.

4. Subject to the petitioner depositing Rs.50,000/- within two weeks from today before the executing court, the Non-Bailable Warrants issued against the petitioner are set aside. The executing court may await till 15.2.2017 and if necessary thereafter proceed further with the execution of the decree. All issues are kept open, including the issue of coercive steps be taken by the court against the petitioner. The executing court is free to pass orders as per law after 15.02.2017, if required.

5. With the above observations, the present petition stands disposed of. All pending applications, if any, also stand disposed of.

6. Dasti.

JAYANT NATH, J

JANUARY 27, 2017

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