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

+ CM(M) 92/2017
MAHENDER SINGH

..... Petitioner

Through: Mr. Ganesh C. Pandey, Advocate

versus

BIRMATI & ORS

.....Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **24.01.2017**

C.M.No. 3015/2017 (Exemption)

Allowed subject to all just exceptions.

CM(M) 92/2017 & C.M.No.3014/2017 (stay)

Impugned order of 25th February, 2014 initiates recovery proceedings against judgment debtors to be executed through the concerned SDM. It is noted in impugned order that petitioner is one of the partners of *M/s. C.R. Transports*. Petitioner had filed an application for stay of the execution proceedings against him, which is said to be still pending.

Learned counsel for petitioner draws the attention of this Court to copy of order-sheets of learned Tribunal to show that the said application is still pending, and notices have been issued to the concerned SDM to deposit the outstanding amount. According to learned counsel for petitioner, the office of concerned SDM has obtained an undated cheque of ₹16 lacs from son of petitioner and two drafts of ₹1 lac each from the relative of petitioner and flat bearing No.1, 108/B-2 Upper Ground Floor,

Ward No.2, Mehrauli, New Delhi has been also attached.

Learned counsel for petitioner contends that petitioner has nothing to do with the judgment debtor i.e. *M/s. C.R. Transports*, which is a proprietorship firm whose proprietor is one *Jai Krishan* and petitioner has nothing to do with said *Jai Krishan* and so, issuance of attachment notice of 2nd September, 2016 is liable to be set aside. It is pointed out by learned counsel for petitioner that applications were filed on 15th September, 2016 and 26th October, 2016 before learned Tribunal to obtain orders on the stay application, which was filed by petitioner way back in March, 2015, but the said application is still pending and the next date of hearing before learned Tribunal is 10th February, 2017.

Issuance of notice in this petition to opposite side is dispensed with as this Court is not inclined to decide this petition on merits.

Upon hearing, I find it to be strange that petitioner's application for stay purportedly filed in March, 2015 is still pending before learned Tribunal. If it is so, then learned Tribunal is directed to decide petitioner's application for stay within a period of three months from the date already fixed and till then, no coercive steps be taken against petitioner.

With aforesaid directions, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 24, 2017

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