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

+ EX.P. No.51/2007

SIEMENS LIMITED

..... Decree Holder

Through: Hemant Malhotra, Adv.

versus

S.R.P INDUSTRIES LTD

..... Judgement Debtor

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.05.2017

1. The matter is listed before this Bench owing to the counsel for the decree holder having contended before the learned Joint Registrar that this petition for execution of decree dated 22nd January, 2004 for recovery of Rs.60,98,431.44p with interest is not required to be transferred to the subordinate courts in accordance with the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015.
2. The counsel for the decree holder has contended that since the suit was with respect to a "commercial dispute" within the meaning of 2(1)(c) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, the execution is to continue in this Court. Further it is stated that on the date of applying for execution, a sum of Rs.1,30,31,952/- was due under the decree.
3. No merit is found in either of the said two contentions. Special class of commercial suits was created only after coming into force of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and cannot have retrospective

application.

4. Moreover, the jurisdiction of the Court entitled to execute the decree is to be determined on the basis of the amount for which the decree was claimed and not by including therein the interest accrued. Reference if any required can be made to order dated 13th February, 2017 in Ex. P. No.6/2017 titled *Monnet Finance Ltd. Vs. M. Zaffrulla* and order dated 14th December, 2016 in Ex.P. No.151/2016 titled *Ess Aar Universal Pvt. Ltd. Vs. Ruchi Jain*.

5. Accordingly, the execution petition be transferred to the Court of the District Judge, (South-East), Saket Courts Complex, New Delhi as the counsel for the decree holder states that the address of D-15/4, Okhla Industrial Area, Phase-I, New Dehli – 110 020 of the judgment debtor falls within the said District.

6. The decree holder to appear before Additional District Judge/District Judge, (South-East), Saket Courts Complex, New Delhi on 10th July, 2017.

RAJIV SAHAI ENDLAW, J

MAY 05, 2017

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