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

+ EX.P. No.6/2017

MONNET FINANCE LTD

..... Decree Holder

Through: Mr. H.L. Raina and Ms. Anupama
Kaul, Advs.

versus

M. ZAFRULLA AND ANR

.... Judgment Debtors

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **13.02.2017**

1. Execution is sought of an *ex parte* money decree dated 16th February, 2005 for recovery of Rs.74,61,958/- with interest and costs.
2. After the amendment of the Delhi High Court w.e.f. 24th November, 2015 the minimum pecuniary original jurisdiction of the Court stands increased to above Rs.2,00,00,000/- and read with Section 37 of the Code of Civil Procedure, 1908 (CPC), this execution should have been filed in the District Court.
3. The same having been filed in this Court which is not the Court of minimum pecuniary jurisdiction, the same is liable to be rejected with liberty of course to the decree holder to approach the appropriate Court.
4. The counsel for the decree holder however insists that valuation has to be on the basis of the amount due as of today and inclusive of interest, as of today, the amount due under the decree is more than Rs.2,00,00,000/-.

5. The aforesaid contention has to be noted to be rejected and is in contravention of Section 37 aforesaid read with recent order dated 14th December, 2016 in EX.P. No.151/2016 titled *Ess Aar Universal Pvt. Ltd. Vs. Ruchi Jain*.

6. Moreover execution is sought by attachment and sale of moveable and immoveable properties situated at Assam. The same is also not possible and the remedy of the decree holder was to apply for transfer of decree which has also not been done.

7. However, since the limitation for execution is expiring on 15th February, 2017, it is not deemed appropriate to penalise the decree holder for filing in the Court of wrong pecuniary jurisdiction and for not claiming the appropriate relief.

7. On oral request of the counsel for the decree holder and in exercise of powers under Section 37, the extension is entertained in this Court and is ordered to be transferred to the Court of the District Judge, District Dibrugarh, as sought by the counsel for the decree holder.

8. A Transfer Certificate along with certificate of non-satisfaction of decree and other allied documents be issued to the decree holder.

9. The execution is disposed of.

RAJIV SAHAI ENDLAW, J

FEBRUARY 13, 2017

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