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

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Judgment delivered on: 18.07.2017

+ EX.P. 356/2012

KISHAN CHAND WADHWA

..... Decree Holder

versus

SHRI DURGA & ORS

..... Judgement Debtors

Advocates who appeared in this case:

For the Decree Holder : Mr G. Kabir, Advocate.

For the Judgment Debtor : Mr Gautam Narayan, Advocate with Mr Ramesh Chandra,
SHO Badarpur.
Mr Sanjeev Sabharwal, Advocate for DDA.
Mr Parvinder Chauhan, Advocate for DUSIB.
Insp Satish, A.T.O./PS Badarpur

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

18.07.2017

SANJEEV SACHDEVA, J. (ORAL)

IA No.168/2017(exemption)

Allowed, subject to all just exceptions.

EX.P. 356/2012 & EA Nos.266/2014(on b/o decree holder to open the locks of super-structure), 267/2014(Objection on b/o.JD), 840/2016(clarification of order dt.14.09.2016), 167/2017(direction)

1. The decree holder, by this petition, had sought execution of the judgment dated 07.08.2012 whereby this Court had passed a decree of possession of Industrial Plot No.E-6, Block B-1 Extension, Mohan Cooperative Industrial Estate, Mathura Road, New Delhi, against the judgment debtor.

2. Decree was further passed for mesne profit @ Rs.25,000/- per month jointly and severally against the judgment debtors with effect from 12.05.2005 till passing of this decree and thereafter till the judgment debtors handover peaceful vacant possession.

3. Learned counsel appearing for the decree holder under instructions from decree holder, who is present in Court, submits that insofar as the decree for possession is concerned, possession has been delivered to the decree holder by execution of warrants of possession. He submits that the decree insofar as relief of possession is concerned stands satisfied.

4. Learned counsel further submits that insofar as recovery of mesne profit is concerned, he has not yet been able to trace out the assets of the judgment debtors for satisfaction of the decree. He prays for recording of satisfaction of decree insofar as relief of possession is concerned and prays for leave to withdraw the petition insofar as mesne profits are concerned and seeks liberty to file a fresh petition if he becomes aware of any of the assets of the judgment debtor.

5. The decree dated 07.08.2012 insofar as it relates to relief possession is recorded to have been satisfied. The petition for execution of decree, insofar as it relates to recovery of mesne profits, is dismissed as withdrawn with liberty to the decree holder to file a fresh petition, subject to the law of limitation.

SANJEEV SACHDEVA, J

JULY 18, 2017

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