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

+ EFA(OS) 13/2017 and CM APPL. 14832-34/2017, 14942/2017

ESPIRE CONSOLIDATED SERVICES PVT LTD..... Appellant

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Munindra Dvivedi and Ms. Divya Bhalla,
Advocates

versus

L.G ELECTRONICS INDIA LTD

..... Respondent

Through: None

+ EFA(OS) 14/2017 and CM APPL. 14869-14872/2017

MA RADHA TRUST

..... Appellant

Through: Mr. Sudhir Nandrajog, Senior Advocate
with Mr. Navroop Bakshi, Advocate

versus

L G ELECTRONICS INDIA PVT LTD

..... Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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21.04.2017

1. The appellants are aggrieved by the orders dated 27.02.2017 and 27.03.2017 passed in CS(OS) 762/2000 and EX.P. 17/2003, whereunder

warrants of attachment have been issued in respect of premises No.A-41, Mohan Co-operative Industrial Estate, Mathura Road, New Delhi, and further, the rent and charges payable by the occupants of the said premises have been directed to be paid hereafter, in the Court.

2. Mr. Sandeep Sethi, learned Senior Advocate appearing for the appellant in EFA(OS) 13/2017 and Mr. Sudhir Nandrajog, learned Senior Advocate appearing for the appellant in EFA(OS) 14/2017 point out that the appellant in EFA(OS) 13/2017 is the owner of the subject premises and the appellant in EFA(OS) 14/2017 has a right to recover the rent being fetched by the said premises in terms of the MOU executed with the appellant in EFA(OS) 13/2017. They submit that both the impugned orders have been passed behind the back of the appellants, who were neither impleaded in the suit proceedings and nor are they parties in the execution proceedings.

3. We are of the opinion that before filing the present appeals, the appellants ought to have first raised their grievance before the learned Single Judge. Taking into consideration the fact that it is the stand of the appellants that they are not liable to pay any amount under the impugned judgment and decree, which as per them, is directed against the parties arrayed as defendants No.1 to 7 in CS(OS) 762/2000, that was decreed on 06.09.2002, they are granted liberty to approach the learned Single Judge by filing appropriate applications in the execution petition and placing on record the grounds taken in the present appeals, to assail the impugned orders.

4. We understand that the execution petition is listed before the learned Single Judge today. The parties shall be at liberty to inform the learned Single Judge that they shall soon be filing appropriate applications in this

regard. As and when filed, the said applications shall be considered and decided in accordance with law, as expeditiously as is possible.

5. The appeals are disposed of alongwith the pending applications.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

APRIL 21, 2017

rkb/mk/ap

