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

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Judgment delivered on: 06.07.2017

+ EX.P. 58/2017

M/S SHIV RATNA PAPER (P) LTD.

..... Decree Holder

versus

M/S RIDHI PETROCHEM PVT. LTD. Judgement Debtor

Advocates who appeared in this case:

For the Decree Holder : Mr. O.P. Gaggar, Advocate.

For the Judgement Debtor : None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

06.07.2017

SANJEEV SACHDEVA, J. (ORAL)

Ex. Pet. 58/2017 & Ex.Appl.(OS) 261/2017 (for transfer of decree for execution to the Court of District Judge Valsad, Gujarat)

1. The Decree Holder seeks execution of Decree dated 23.03.2017 in CS(COMM.) 178/2016, whereby, this Court has decreed the suit, filed by the plaintiff/Decree Holder, for a sum of Rs.1,52,49,918.07 and *pendente lite* and post decree interest @ 12% per annum.

2. The suit was contested by the Judgment Debtor and the decree

has been passed.

3. The Decree Holder seeks execution of the decree by attachment and sale of, *inter alia*, the plant and machinery and other movable assets alongwith the land and building of the Judgment Debtor at Plot No. 409, GIDC Industrial Estate, Phase III, Opposite Prakash Steelage Ltd., Umbergaon-396171, District Valsad, Gujarat.

4. Since the execution petition has been filed within a period of two years from the date of the decree, in terms of order XXI Rule 22 of the Code of Civil Procedure, it is not necessary to issue notice to the Judgment Debtor to show cause against execution of the decree.

5. Since the assets of the Judgment Debtor, attachment and sale of which is sought for recovery of the decretal amount, are situated in the State of Gujarat, the Decree Holder has also filed an application under Order XXI Rule 6 seeking transfer of the decree for execution to the Court of District Judge Valsad, Gujarat.

6. The application is allowed.

7. The decree is transferred to the Court of District Judge, Valsad,

Gujarat for the purposes of execution.

8. After the execution of the decree and, satisfaction thereof in part or in full, the District Judge, Valsad shall submit Certificate of Satisfaction to this Court.

Ex.Appl.(OS) 262/2017 (under Section 46 read with Section 151 CPC)

1. By this application, the Judgment Debtor seeks attachment of the land and building, plant and machinery and other movable assets of the Judgment Debtor lying at its factory at Plot No. 409, GIDC Industrial Estate, Phase III, Opposite Prakash Steelage Ltd., Umbergaon-396171, District Valsad, Gujarat.

2. It is contended that the Decree Holder apprehends that the Judgment Debtor is likely to create third party interest in its property prior to the execution of the decree.

3. For the reasons stated in the application, the application is allowed.

4. A precept, in terms of Section 46 of Code of Civil Procedure be issued to the Court of District Judge, Valsad to attach the properties of

the Judgment Debtor comprising of land and building, plant and machinery and other movable assets lying at Plot No. 409, GIDC Industrial Estate, Phase III, Opposite Prakash Steelage Ltd., Umbergaon-396171, District Valsad, Gujarat.

5. The application is disposed of.

Ex. Pet. 58/2017

1. In view of the above order, the execution petition is, accordingly, disposed of.
2. The Registry is directed to take steps in terms of Order XXI Rule 6 of CPC for transmission of the decree to the Court of District Judge, Valsad, Gujarat.
3. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 06, 2017
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