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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. 59/2017 & EA No.265/2017 (for exemption)
SUZUKI MOTOR CORPORATION Decree Holder
Through: Mr. C.D. Mulherkar and Ms. Anushka
Arora, Advs.
Versus
SUZUKI SUITINGS PRIVATE LIMITED Judgement Debtor
Through: None.
AND
EX.P. 60/2017 & EA No.264/2017 (for exemption)
SUZUKI MOTOR CORPORATION Decree Holder
Through: Mr. C.D. Mulherkar and Ms. Anushka
Arora, Advs.
Versus
SUZUKI PARSRAMPURIA SUITINGS
PRIVATE LIMITED Judgement Debtor
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.05.2017**

1. Execution is sought of decrees both dated 13th August, 2009.
2. Though the Registry of this Court raised objection in terms of order dated 5th May, 2017 in Execution Petition No.51/2007 titled **Siemens Limited Vs. S.R.P. Industries Ltd.**, order dated 13th February, 2017 in Execution Petition No.6/2017 titled **Monnet Finance Ltd. Vs. M. Zafrulla** and order dated 14th December, 2016 in Execution Petition No.151/2016 titled **Ess Aar Universal Pvt. Ltd. Vs. Ruchi Jain** of the execution being not maintainable in this Court owing to the enhancement of the pecuniary jurisdiction of this Court but on the insistence of the counsel for the decree holder that the matters be listed before the Court, the execution petitions have been listed subject to office objection.

3. The reason given by the decree holder before the Registry of this court for having the matters listed, of the executions lying in this Court owing to the properties of the judgment debtor sought to be attached being of the value above Rs.2 crores is not found acceptable.
4. The counsel for the decree holder has then referred to the first Proviso to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 but the said Proviso also is applicable to pending proceedings. The suits, of decrees wherein execution is sought, were not pending in this Court on the date of coming into force of the Commercial Courts Act on 31st December, 2015. Thus, in accordance with the orders aforesaid, the execution has to be filed before the District Judge and the execution filed before this Court is not maintainable and liable to be dismissed with liberty to the decree holder to file afresh before the appropriate Court.
5. The counsel for the decree holder states that since the deponent of the affidavits are abroad, there would be procedural difficulty in obtaining fresh affidavits.
6. Let the entire original paper book as filed before this Court be returned to the counsel for the decree holder (for filing in the Court of appropriate District Judge) on photocopies thereof being placed in these files.
7. The execution petitions are disposed of with the aforesaid directions.

RAJIV SAHAI ENDLAW, J.

MAY 31, 2017

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