

\$~43 to 49, 52,53&60

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

CM(M) 825/2017

ICICI BANK LTD Petitioner

Through: Mr. Puneet Bhalla, Adv.

Versus

KISSAN PETRO OILD PVT LTD & ANR Respondents

Through: None.

AND

CM(M) 826/2017

ICICI BANK LTD Petitioner

Through: Mr. Puneet Bhalla, Adv.

Versus

SANJAY GUPTA Respondent

Through: None.

AND

CM(M) 827/2017

ICICI BANK LTD Petitioner

Through: Mr. Puneet Bhalla, Adv.

Versus

VXPLOR ADVENTURES PVT LTD & ANR Respondents

Through: None.

AND

CM(M) 828/2017

ICICI BANK LTD Petitioner

Through: Mr. Puneet Bhalla, Adv.

Versus

MASOOM RAZA Respondent

Through: None.

AND

CM(M) 829/2017

ICICI BANK LTD Petitioner

Through: Mr. Puneet Bhalla, Adv.

Versus

ATUL DEV ARYA & ANR Respondents

Through: None.

AND

CM(M) 830/2017		
ICICI BANK LTD		 Petitioner
Through:	Mr. Puneet Bhalla, Adv.	
	Versus	
MRADULA SINGH		 Respondent
Through:	None.	
	AND	
CM(M) 831/2017		
ICICI BANK LTD		 Petitioner
Through:	Mr. Puneet Bhalla, Adv.	
	Versus	
VXPLOR ADVENTURES PVT LTD & ANR		 Respondent
Through:	None.	
	AND	
+ CM(M) 834/2017		
ICICI BANK LTD		 Petitioner
Through:	Mr. Puneet Bhalla, Adv.	
	Versus	
DEVENDER SINGH		 Respondent
Through:	None.	
	AND	
CM(M) 835/2017		
ICICI BANK LTD		 Petitioner
Through:	Mr. Puneet Bhalla, Adv.	
	Versus	
HARI SHANKAR		 Respondent
Through:	None.	
	AND	
CM(M) 838/2017		
ICICI BANK LTD		 Petitioner
Through:	Mr. Puneet Bhalla, Adv.	
	Versus	
VIRENDER MOHAN & ANR		 Respondents
Through:	None.	

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

%

ORDER
04.08.2017

CM No.27601/2017 in CM(M) No.825/2017, CM No.27607/2017 in CM(M) 826/2017, CM No.27608/2017 in CM(M) 827/2017, CM No.27609/2017 in CM(M) 828/2017, 27610/2017 in CM(M) 829/2017, CM No.27611/2017 in CM(M) 830/2017, CM No.27614/2017 in CM(M) 831/2017, CM No.27621/2017 in CM(M) 834/2017, CM No.27624/2017 in CM(M) 835/2017 & CM No.27859/2017 in CM(M) 838/2017 (All for exemptions)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) No.825/2017, CM(M) No.826/2017, CM(M) No.827/2017, CM(M) No.828/2017, CM(M) No.829/2017, CM(M) No.830/2017, CM(M) No.831/2017, CM(M) No.834/2017, CM(M) No.835/2017 & CM(M) No.838/2017

3. These petitions under Article 227 of the Constitution of India impugn identical orders in suits, filed by the petitioner / plaintiff against the respondent / defendant in each of the petitions, of issuance of summons of the suit and notice of the application of the petitioner / plaintiff for appointment of a receiver and not granting *ex parte* appointment of receiver sought by the petitioner / plaintiff.
4. The counsel for the petitioner / plaintiff has handed over a copy of the order dated 17th July, 2017 of this Court in CM (M) No.392/2017 titled ***ICICI Bank Ltd. Vs. Rajender Kumar*** which in turn relies on the order dated 12th April, 2017 of this Court in CM(M) No.388/2017 dealing with identical situation.
5. Thus the order dated 17th July, 2017 supra has to follow.

6. The counsel for the petitioner / plaintiff states that advance copy of these petitions has also been sent to the respondent in each of the petitions. Need to issue any notice to the respondents is not felt as the order, aggrieved wherefrom these petitions have been filed, are also *ex parte* order.

7. Accordingly, the petitions are allowed.

8. The following persons, being the representatives of the petitioner / plaintiff ICICI Bank Ltd., are appointed as the receiver with the following directions:

Sl. No.	Case No.	Name of the Receiver
1	CM(M) No.825/2017	Mr. Sudhir Vashisht
2	CM(M) No.826/2017	Mr. Anil Kumar
3	CM(M) No.827/2017	Mr. Sudhir Vashisht
4	CM(M) No.828/2017	Mr. Anil Kumar
5	CM(M) No.829/2017	Mr. Sudhir Vashisht
6	CM(M) No.830/2017	Mr. Sudhir Vashisht
7	CM(M) No.831/2017	Mr. Sudhir Vashisht
8	CM(M) No.834/2017	Mr. Sudhir Vashisht
9	CM(M) No.835/2017	Mr. Kunal Mishra
10	CM(M) No.838/2017	Mr. Sudhir Vashisht

8.1 The receiver, while taking possession of the subject vehicle, will ensure that the due courtesies are extended to the respondent/ defendant.

8.2 The receiver will also keep in mind the time and the place where the subject vehicle is taken possession of. If, at the time of taking possession, the respondent/ defendant were to pay the sums, which are due and payable then, the receiver will issue a receipt in that behalf to the respondent/ defendant and release the vehicle on superdari to him.

8.3 In case police assistance is required, the receiver will approach the Station House Officer manning the nearest police station, who, in such an eventuality, shall render due assistance to enable compliance in the matter.

8.4 The receiver will file his report with the trial court within ten days of taking possession of the subject vehicle.

8.5 In case the receiver is successful in obtaining possession of the subject vehicle before the next date of hearing, the trial court will pass appropriate orders on the next date of hearing.

8.6 However, in case the subject vehicle is not traced till the next date of hearing, the trial court will, accordingly, extend the period for locating the vehicle and in that behalf, pass appropriate orders in the pending application.

9. Petitions stand disposed of.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

AUGUST 04, 2017

‘gsr’..