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

+ CM(M) 1072/2017 & CM No.34964/2017 (for stay)

PRITAM SINGH Petitioner

Through: Mr. Randhir Jain & Mr. Bhoop Singh,
Adv.

Versus

CANARA BANK & ANR Respondents

Through: Mr. Sanjay Aggarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.10.2017**

1. This order is in continuation of the earlier order dated 22nd September, 2017.
2. Though process fee filed by the petitioner for service of the respondents is stated to have been returned under objection but the counsel for the respondent no.1 Canara Bank appears.
3. The counsel for the respondent no.1 Bank states that the application for restoration of the Execution Petition is pending because the respondent no.2 / judgment-debtor has not been served with the notice of the application. It is stated that the respondent no.2 / judgment-debtor is not available at the address and the respondent no.1 Bank does not have any other address of the respondent no.2 / judgment-debtor.
4. I have enquired from the counsel for the petitioner / judgment-debtor whether the respondent no.2 / judgment-debtor was appearing when the Execution Petition was dismissed in default.
5. The counsel for the petitioner / judgment-debtor states that the respondent no.2 / judgment-debtor was not appearing.

6. If that be so, then there is no need to serve notice of the application for restoration of the Execution Petition on the respondent no.2 / judgment-debtor.

7. I have given option to the counsel for the petitioner / judgment-debtor that either this Court can consider his contention that the Execution Petition cannot be restored to its original position or the Additional District Judge (ADJ) before whom the execution proceedings are pending, can be directed to do so expeditiously.

8. On enquiry, it is informed that the next date before the Executing Court in the Restoration Application is 10th November, 2017.

9. This petition is disposed of with the following directions:

- (i) The service of the respondent no.2 / judgment-debtor with the notice of the application for restoration of Execution Petition is dispensed with;
- (ii) The learned ADJ-II, North-West District, Rohini Courts, Delhi is requested to hear arguments on the Restoration Application on 10th November, 2017 and if for any reason, not attributable to either of the parties / their counsels, the same is not possible on 10th November, 2017, as soon thereafter as may be possible, and to pass orders on the said application latest by 1st December, 2017;
- (iii) The counsel for the respondent no.1 Bank is directed to follow the aforesaid matter diligently and without any further defaults so that public monies are amply safeguarded.

No costs.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

OCTOBER 31, 2017

‘gsr’..

CM(M) 1072/2017

Page 2 of 2