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

+ EX.P. 11/2017

SMT SUSHMA GUPTA Decree Holder
Through Mr.S.C.Malhotra, Adv. alongwith
Decree Holder

versus

MADHU JAIN & ORS. Judgement Debtor
Through Mr.Ram Niws Buri, Adv. for JD-1
and 2
Mr.Prashant Dewan and Mr.Brajesh Dwivedi,
Advs. for JD-3

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.07.2018**

This Execution Petition is filed under Order 21 Rule 10 CPC seeking to execute the decree dated 1.9.2015.

Learned counsel appearing for JD Nos.1,2 and JD.3 respectively submit that JD No.1 has previously in 2016 filed an Execution Petition before the District Court. It is pleaded that the pecuniary jurisdiction in this case would be of the District Court as the suit property has been valued at Rs.75,00,000/-. The execution petition is still pending.

As the property had been valued in the plaint at Rs.75,00,000/- this matter would have to be heard by the District Court.

Even otherwise, it is in the interest of justice and to avoid conflicting orders that the same court hears both the Execution Petitions. In case two different Courts were to hear the Execution Petition for the same decree conflicting and contradictory orders are likely to be passed. As respondent

No.1 has filed the execution prior to in time it would even otherwise be appropriate that the court which is dealing with the earlier Execution Petition also deals with the present execution petition.

I am told that the earlier matter is being heard by the court of Dr.Saurbh Kulshreshtha, Additional District Judge-11, Central District, Tis Hazari Courts, Delhi.

Let this matter be also transferred to the said court/successor court to be heard alongwith the Execution Petition No.25003/2016 titled Madhu Jain vs. Saroj Garg.

At this stage, the decree holder submits that as per the decree the property is to be sold and the controversy centres around the best buyer. Decree holder also submits that he has a buyer who is willing to pay a good price. This plea can be the pressed by the Decree Holder before the District Court.

File be transferred to the concerned District Court.

JAYANT NATH, J

JULY 05, 2018

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