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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **OMP (ENF.) (COMM.) 46/2016, I.As. 4574/2016, 3175/2017 & 8724/2017**

**TATA CAPITAL FINANCIAL SERVICES
LIMITED**

..... Petitioner

Through: Mr. Aditya Shankar, Mr. Rohan
Sharma and Ms. Riya, Advocates.
(M:9971634469)

versus

SANJEEV NARULA

..... Respondent

Through: Mr. Nakul Mohta, Advocate.
(M:9810896389)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

ORDER
% **23.08.2018**

1. Both the parties submit that the Hon'ble Supreme Court on 6th April, 2018 has passed the following order: -

“Leave granted.

Heard learned counsel for the parties and also perused the record.

The objection of the respondent to the execution of the decree has been accepted by the Division Bench setting aside the order of the learned Single Judge rejecting the said objection. We are satisfied that the reversal of the order of the learned Single Judge by the Division Bench of the High Court is not justified. Accordingly, we restore the order of the learned Single Judge and reject the objection of the respondent to the execution for the decree.

The respondent is given time to vacate and hand over peaceful possession of the property in question to the appellant on or before 30th April, 2019, subject to filing of an undertaking in this Court within a period of four weeks from today to the effect that he will vacate and hand over peaceful possession and not induct any third party in the said property.

The appeal is, accordingly, allowed in the above terms.”

2. Learned counsel for the Respondent submits that there has been a lapse on his part, as the undertaking in terms of the above order was not filed before the Hon’ble Supreme Court. He submits that the undertaking which was filed by the AOR was in defect and was returned under objections and inadvertently not re-filed. He submits that his client has not created any third party interest in respect of the property and is abiding by the said order. The non-filing is unintentional. It was brought to his knowledge only yesterday that the undertaking was not filed. Learned counsel further submits that the undertaking shall be filed within a period of one week from today.

3. The remedies of the Appellant are left open in case of any violation. The present OMP no longer survives and is, therefore, disposed of.

PRATHIBA M. SINGH, J.

AUGUST 23, 2018

Rekha