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

+ EX.P. 53/2018

KOHLI ONE HOUSING & DEVELOPMENT
PVT. LTD.

..... Decree Holder

Through: Mr. Mainuddin Khan and Mr. Rohitaz
Singh, Advs.

Versus

DR. DHANANJAYAN KG

..... Judgement Debtor

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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30.05.2018

1. Execution is sought of a decree for recovery of money. However, in the prescribed paragraph "in what manner Court's assistance is sought", it is merely stated:

"The execution of decree dated 18.04.2017 is sought from this Hon'ble Court as per the provisions of Code of Civil Procedure, 1908.

It is most respectfully prayed that this Hon'ble Court may issue directions for attachment of all properties movable and immovable with accounts held in any bank, any shares, jewellery, carsetc. and sale the assets of judgment debtor and recover the amount from sale amount or pass any other order which this Hon'ble Court may deem fit."

2. The counsel for the decree holder is advised to read Order XXI of the Code of Civil Procedure, 1908 (CPC) as to the mode in which execution of

money decree is possible. The decree holder has not stated what properties are to be attached and in fact, in the execution petition, valuation for the purposes of court fees and jurisdiction is given and which is not required.

3. The counsel for the decree holder states that efforts have been made but nothing could be found out and notice be issued.

4. It is for the decree holder to make efforts and such vague averments, without any pleadings, cannot be made during hearing. It is found that once such half-baked executions are entertained, the same remain pending with the decree holder not being interested in executing the decree and merely interested in keeping the execution pending.

5. The Execution Petition is thus rejected.

RAJIV SAHAI ENDLAW, J.

MAY 30, 2018

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