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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. 107/2016, EA No.41/2017 (u/S 151 CPC), EA No.73/2017
(Objections on behalf of Sh. Ranvir Dewan) & EA No.123/2017 (u/O
XXI R-30 CPC)

RASHMI KHANNA

..... Decree Holder

Through: Mr. Anil Mittal & Ms. Komal
Aggarwal, Advs.

Versus

PRITAM DEWAN & ANR

..... Judgement Debtors

Through: Mr. V. Hari Pillai & Mr. Manish
Kumar Saryal, Advs. for JD-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.12.2018

1. The counsel for the decree-holder states that though the decree-holder has recovered possession of the second and third floors of D-246, Defence Colony, New Delhi and the monies deposited in this Court by judgment-debtor no.1 Pritam Dewan have also been released to the decree-holder but the judgment-debtor no.1 did not deposit the entire money which the judgment-debtor no.1 was directed to deposit in terms of interim orders in the appeal and there is now a balance amount of Rs.4 lacs recoverable by the decree-holder from the judgment-debtor no.1. It is also stated that the judgment-debtor no.1 has died and vide order dated 21st November, 2016, has been substituted by his son Ranvir Dewan.
2. There is no order or decree entitling the decree-holder to recovery of the said Rs.4 lacs from the judgment-debtor no.1.

3. The counsel for the decree-holder wants this Court to deduce the said entitlement of the decree-holder from a plethora of orders which have been placed on record. However, the said orders are not accompanied with the memo of parties and there is nothing else but the statement of the counsel for the decree-holder to gauge as to reference therein by the nomenclature plaintiff and defendant is to whom. Even otherwise, this Court exercising powers as an Executing Court can only execute a clear order or direction and in the absence of any such clear t order or direction or decree entitling the decree-holder to Rs.4 lacs from the judgment-debtor no.1 Pritam Dewan since substituted by Ranvir Dewan, this execution is not maintainable and is disposed of with liberty to the decree-holder to, after has obtained a decree or executable order by making application in the suit or in the appeal, apply again.

RAJIV SAHAI ENDLAW, J.

DECEMBER 04, 2018

‘gsr’..