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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1275/2018& CM APPL No.43702/2018**
M/S SWASTIK INDUDSTRIES & ANR

..... Petitioners

Through : Mr.Samit Khosla, Adv.

versus

M/S ASTHA CHEMICALS

..... Respondent

Through : Mr.Biswajit Kumar Patra, Adv.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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06.12.2018

This petition is against an order dated 28th September, 2018 wherein based upon the report of Nazir, the warrants of attachment to an extent of Rs.1,30,724/- were issued against the petitioner. Vide an order dated 10.10.2017 of this Court the parties along with their counsels were directed to appear before the executing court on 13th October, 2017 and the executing Court was required to compute the balance amount due under the decree as on 20.12.2017 and the judgment debtor shall pay the same.

It is submitted by learned counsel for the judgment debtor/petitioner that he has paid the said amount in January, 2018 but yet again the Nazir has calculated a further amount of Rs.1,30,724/- as due against him. Even an order dated 10th January, 2018 requires the parties to move an application under Section 152

CPC for pointing errors in the calculation and seek necessary directions. Though the learned counsel for the respondent has allegedly filed an application but the petitioner has failed to do so, and hence is given an opportunity to move an application to point out errors in the calculations made by Nazir. With these directions the petition stands disposed of.

No order as to costs.

The impugned order qua attachment of moveable property of the petitioner shall remain in abeyance till application under Section 152 CPC are decided by the learned trial Court.

YOGESH KHANNA, J.

DECEMBER 06, 2018

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