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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.F.A. 41/2018 & CM APPL. 45546-45547/2018**
GEETA GOYAL Appellant
Through: Dr. Amit George, Adv. with Mr.
Nitesh Mehra, Adv.
versus

RAJKUMARI & ORS Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **30.10.2018**
CM APPL. 45546/2018 (Exemption)

Exemption allowed, subject to just exceptions.

EX.F.A. 41/2018

The appellant assails the impugned order dated 30.08.2018 of the Judge, MACT-01 (W), THC, Delhi in Execution No.60757/2016 whereby objections filed by the appellant herein inasmuch as the appellant herein is judgment debtor no.2 qua the decree of which execution was sought, were declined.

On a perusal of the impugned order, it is apparent that there exists no infirmity or illegality in the same. On a perusal of the averments made in the plaint with specific reference to para-XI (m) which reads to the effect that:

“Because Ld. Executing Court also failed to take into consideration the fact while passing the Impugned Order dated 30.08.2018, that even if the entire amount has to be paid by Appellant, than the Ld. Executing Court shall have granted the

recovery rights to the Appellant to get the said amount recover from the driver Satbir.”

it is held that though the appeal is dismissed against the impugned order dated 30.08.2018, the appellant would be entitled to seek recovery against the driver Satbir of amounts recoverable to him qua the decretal amount in relation to the award dated 06.12.2004 of the Presiding Officer, MACT, Tis Hazari Courts in Suit No.78/2002 (old No. RBT 296/2003) as per law inasmuch as liabilities are apparently both joint and several of the appellant herein and the driver Satbir.

The appeal EX.F.A. 41/2018 is dismissed with the above observations.

Copy of this order be sent to the learned trial Court.

Copy of the order be given Dasti, as prayed.

CM APPL. 45547/2018

In view of the order hereinabove, CM APPL. 45547/2018 calls for further action.

ANU MALHOTRA, J

OCTOBER 30, 2018

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