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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 419/2019 & CM APPL. 11611/2019**

M/S TRIVENI ADHESIVES TAPES

..... Petitioner

Through: Mr. Chetan Sharma, Sr. Advocate
with Mr. Anil Garg, Mr. Amit Gupta,
Advocates.

versus

SHASHI JAIN

..... Respondent

Through: Mr. Rajiv Bansal, Sr. Advocate with
Mr. Rahul Shyam Bhandari, Ms.
Bhavya Vijay Tangri, Advocates.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
12.03.2019

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CAV 250/2019

Learned counsel for the caveator is present and has been heard.

The caveat thus, stands discharged.

CM APPL. 11612-11613/2019 (Ex.)

Exemptions allowed subject to all just exceptions.

The application stands disposed of.

CM(M) 419/2019

Vide the present petition, the petitioner assails the impugned order dated 22.02.2019 of the learned Executing Court of the Court of the learned ADJ-12 (Central), Tis Hazari Courts, Delhi in Execution

No.341/17. During the course of submissions that have been made on behalf of either side, it is brought forth that an application has been filed by the Judgment Debtor i.e. the petitioner herein under Order 47 read with Section 114, 39(4), 151 of the CPC seeking to the effect:-

a) Pass an order to withdraw warrant of attachment issued vide order dated 22.02.2019 of Bank account of JD M/s Triveni Adhesive Tapes/ Mr. Vijay Gupta bearing account no: 513205010100035 and bank account in the joint name of ,Mr. Vijay Gupta/Ms. Neeru Gupta bearing account no. 513202010000395 both in Union Bank of India, Noida, SSI Finance Branch, Nayabans, Rajendra Complex, Sector-15, Noida.

b) Pass an order to dismiss the present execution on the ground that this Hon'ble Court has no territorial jurisdiction to adjudicate or in alternate transfer the above said execution petition to a competent court in Noida (Gautam Budh Nagar).

c) Pass any other or further order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favor of the JD and against the DH.”

The said application placed at Annexure-P8 to the present petition itself indicates the next date of hearing to be 15.03.2019 in Execution No.341/17 before the learned Executing Court of the Court of the learned ADJ-12 (Central), Tis Hazari Courts.

It is apparent that the present petition is thus, pre-mature. The prayer clause (a) of the present petition reads to the effect:-

“(a) To direct the executing court to decide the application for transfer filed by the petitioner prior to proceed(ing) (sic) further in the matter.”

The present petition is disposed of with directions to the learned Executing Court to dispose of the application dated 05.03.2019 filed by the petitioner herein as the judgment debtor under Order 47 read with Section 114, 39(4), 151 of the CPC within a period of 10 days from the date of hearing on the said application i.e. 15.03.2019 and till disposal of the said application, the operation of the impugned order dated 22.02.2019 to the extent that it directs the concerned Branch Manager/Head of the Branch to prepare the draft in the name of the Court i.e. Additional District Judge-12, Central District, Tis Hazari Court, Delhi is stayed. However, the Judgment Debtor is not entitled to withdraw the amount from the said bank accounts bearing Nos.513205010100035 and 513202010000395.

Copy of this order be immediately sent to the Branch Manager of Union Bank of India, SSI Finance Branch, Nayabans, Rajendra Complex, Opp. Hotel Nirula's, Sector-15 and copy of this order be also given *dasti* under the signatures of the Court Master to either side, as prayed.

ANU MALHOTRA, J

MARCH 12, 2019/NC