

\$~6

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CM(M) 663/2019

SUNIL KUMAR GARGA

..... Petitioner

Through: Mr.Manish Vashisht, Mr.Manashwy
Jha and Ms.Urvi Kapoor, Advocates

versus

M/S ANSAL PROPERTIES & INFRASTRUCTURE LTD

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

09.05.2019

CM APPL No.19928/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 663/2019

This petition challenges the order dated 12.04.2019 whereby the matter is posted for arguments on 17.07.2019. It is the submission of learned counsel for the petitioner the execution petition was filed on 31.01.2018 to execute an award dated 07.09.2017. On 20.04.2018 an order was passed by the learned executing court whereby a notice was issued to the Directors of the Judgment Debtor company with a direction to file the affidavit of assets per Form 16A Appendix E of CPC. The said order was repeated on 14.09.2018. However on 11.01.2019 the Directors appeared and the matter was simply adjourned to 12.04.2019 on the plea the judgment debtor has filed

objections under Section 34 of Arbitration and Conciliation Act. It is alleged no stay was granted in a petition under Section 34 (supra). However, instead of proceeding in the execution, the execution has now been listed for arguments on 17.07.2019. It is alleged the impugned order per se is illegal as there has been no stay against the execution, hence the court ought to have proceeded with the execution.

There is no need to issue notice of the petition to the respondents herein. The matter before the executing court is preponed on 14.05.2019 instead of 17.07.2019 and the objection, if any, be disposed of. The learned counsel for the petitioner undertakes to intimate the counsel for the judgment debtors of the next date of hearing before the trial court. Copy of the order be sent to the learned trial court for compliance.

In the circumstances, the petition stands disposed of. Pending applications, if any, are also disposed of.

Copy of the order be given dasti under signature of the Court Master.

YOGESH KHANNA, J.

MAY 09, 2019

VL