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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EX.P. 332/2012

PHAFAG AG & ORS

..... Decree Holder

Through: Ms. Purva Kohli, Adv. for Mr.
Abhinav Agnihotri, Adv. for DH-1.
Mr. Raghvendra M. Bajaj with Mr.
Sanskar Agarwal, Advs. for DH-2.
Mr. Zoheb Hossain, Adv. for Income
Tax Department.

Versus

MOREPEN LABORATORIES

..... Judgement Debtor

Through: Mr. Pramond Singh, Adv. for JD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

06.02.2019

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1. Mr. Pramod Singh enters appearance for the judgment debtor.
2. Mr. Singh says that the entire decretal amount has been deposited in this Court.
3. For this purpose, Mr. Bajaj, who, appears for the decree holder No.2 relies upon the order of this Court dated 5.3.2018 passed in C.R.P. No.172/2016, titled: *Rajesh Luthra vs. Phafag Ag & Anr.* Reliance, in particular, has been placed on para 9 of the said order, which reads as follows:

“9. Thus, the order dated 28.09.2016 is set aside. The directions in the order dated 18.10.2016, as quoted above, restraining the first respondent from withdrawing the amount to the extent of Rs.50 lakhs from the amount lying deposited in execution petition no.332/12 is made absolute till an appropriate decision in accordance with law is taken by the trial court on the application under Order XXXVIII Rule 5 CPC.”

4. Ms. Purva Kohli, who, appears for the decree holder No.1 says that she will take instructions from her client.
5. Accordingly, renotify the matter on 7.3.2019.

RAJIV SHAKDHER, J

FEBRUARY 06, 2019/pmc

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