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

+ OMP (ENF.) (COMM.) 1/2016

PARSVNATH DEVELOPERS LIMITED Decree holder
Through Mr. Manmeet Singh Nagpal, Adv
with Mr. Mayank Jain, A.R.

versus

ASHIMA INFRASTRUCTURES PVT. LTD..... Judgment debtor
Through Mr. Rajesh Gupta, Mr. Harpreet
Singh and Mr. Pranjal Saran, Adv.

+ OMP (ENF.) (COMM.) 2/2016

PARSVNATH DEVELOPERS LIMITED Decree holder
Through Mr. Manmeet Singh Nagpal, Adv
with Mr. Mayank Jain, A.R.

versus

ASHIMA INFRASTRUCTURES PVT. LTD..... Judgment debtor
Through Mr. Rajesh Gupta, Mr. Harpreet
Singh and Mr. Pranjal Saran, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **19.02.2019**

1 Mr. Gupta, who, appears for the judgment debtor in the captioned matters, has drawn my attention to the order dated 17.12.2018. Learned counsel says that the demand drafts worth Rs.25 lakhs have been deposited with the Registry of this Court.

2 It is the submission of Mr. Gupta that he would have no objection if the Registry were to release the amount lying to the credit of the captioned matters along with accrued interest in favour of the decree holder.

3 Record shows (and qua which counsel are *ad-idem*) that a sum of Rs.10 lacs has already been released to the decree holder. The only concern which Mr. Gupta has is that Section 138 proceedings initiated

under the Negotiable Instruments Act, 1881 (numbered as: C.C. Nos.27511/2016 and 14360/2016, lodged in the Patiala House Court, New Delhi) against the judgment debtor are still pending on account of dishonour of those very cheques which were furnished at one point in time in the captioned execution proceedings.

3.1 Mr. Gupta, learned counsel, says that those proceedings should now be brought to an end by the decree holder as the decree stands satisfied.

4 Mr. Manmeet Singh Nagpal, who, appears for the decree holder, says that once the decree holder is paid the sum of Rs.25 lakhs along with accrued interest, he has instructions to convey to the Court that the decree holder will approach the concerned Court with a request to close the Section 138 proceedings initiated against the judgment debtor.

6 Accordingly, the Registry is directed to release the sum of Rs.25 lakhs along with accrued interest in favour of the authorized representative of the decree holder.

6.1 The statement of the counsel for the decree holder that it will approach the concerned Court for closure of Section 138 proceedings initiated against the judgment debtor is taken on record.

6.2 The decree holder will remain bound by the statement.

7 The captioned petitions are disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

FEBRUARY 19, 2019

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