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

+ CM(M) 354/2020

M/S. LAXMI NARAIN RAM DASS & CO. & ANR.

.....Petitioners

Through: Mr. Ashwani Gupta, Advocate.

versus

M/S. PARSVNATH DEVELOPERS LTD.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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01.06.2020

CM APPL.11580/2020 (exemption from filing duly attested/affirmed affidavits and court fee)

Application is allowed subject to all just exceptions. Petitioners shall file the duly attested affidavits and pay the requisite court fees within one week of the lock-down being lifted.

CM(M) 354/2020

1. The hearing was conducted through video conferencing.
2. None appears for the respondents despite e-mail having been sent at their registered e-mail address.
3. Petitioners impugn order dated 26.05.2020, whereby, the Trial Court has issued notice to the respondents.
4. Learned counsel for the petitioners submits that the notice was not required as two years have not elapsed from the passing of the decree. He submits that the consent decree was passed on 25.05.2019, directing the respondents to pay a sum of Rs. 25 lakhs in 5 instalments. He submits that

towards the five instalments, post-dated cheques have been issued to respondents. He also submits that in terms of the mediation settlement dated 23.05.2019, the Decree Holder had the right to assign the debt/receivable in favour of a third party and such assignment was done on 01.02.2020 in favour of petitioner No.2 and thereafter, petitioner No.2 approached the respondents by a letter dated 05.02.2020 asking the respondents to substitute the post-dated cheques in favour of the petitioner No.2.

5. Learned counsel for the petitioners submits that as per the mediation settlement, the cheques had to be replaced within three days and in spite of the same, respondents have not yet replaced the cheques.

6. Learned counsel for the petitioners submits that since the matter is coming up before the Trial Court on 11.06.2020, he does not press this petition, however, he submits that shall be praying before the Trial Court for expeditions disposal of his execution petition and also in case the respondents do not pay the amounts that have already fallen due, for attachment of their bank accounts. He, accordingly, seeks leave to withdraw the petition.

7. In view of the above, petition is dismissed as withdrawn.

8. It is expected that the Trial Court shall expeditiously proceed with the execution petition and pass an appropriate order, in case the amount due under the decree is not paid by the Judgment debtor.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J

JUNE 01, 2020/st