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

CM Appls. 52328/2019, 3687/2020

IN

+ CM(M) 1731/2019

GULLU TRANSPORT COMPANY

..... Petitioner

Through:

versus

ICICI LOMBARD GENERAL

INSURANCE CO LTD

..... Respondent

Through: Mr.Pankaj Gupta and Ms.Suman
Bagga, Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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03.03.2020

1. The petitioner has challenged the order dated 20th August, 2019 whereby the Claims Tribunal dismissed the petitioner's application under Order XXI Rule 26 of the Code of Civil Procedure for stay of the execution proceedings.
2. Learned counsel for the petitioner submits that he has filed the affidavit of assets. However, the same is not on record.
3. Learned counsel for the respondent submits that the impugned award was passed by the Claims Tribunal on 26th May, 2011 which was challenged by the respondent before the Himachal Pradesh High Court and the same was decided on 29th July, 2016. It is submitted that the respondent initiated an execution proceedings before the Solan Court and the decree was transferred to the Rohini District Court. It is submitted that the petitioner had

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sufficient time to take legal recourse but has not taken any action till date.

4. Learned counsel for the petitioner submits that petitioner did not have the copies of relevant documents to avail the appropriate legal remedies. It is submitted that the petitioner shall take appropriate legal recourse within the period of four weeks from today.

5. In the peculiar facts and circumstances of this case, the execution Court is directed to withhold the coercive action against the petitioner for a period of four weeks from today. After the expiry of four weeks, the Execution Court shall proceed with the execution proceedings.

6. The petition is disposed of in the above terms. Interim orders are vacated. All pending applications are disposed of.

7. Copy of this order be given *dasti* to counsel for the parties under signatures of Court Master.

J.R. MIDHA, J.

MARCH 03, 2020
ds

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