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

+ CM(M) 376/2022 and CM 19784/2022 (exemption)

SONI DAVE

..... Petitioner

Through: Mr. Saurabh Prakash, Mr.
Utsav Jain and Mr. Anant Aditya Patro,
Advs.

versus

TRANS ASIAN INDUSTRIES
EXPOSITIONS PVT. LTD.

..... Respondent

Through: Mr. Lakshya Dhamija and Mr.
Sahil Dutta, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT(ORAL)

25.04.2022

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1. The petitioner in this petition claims to be aggrieved by order dated 10th November, 2021 passed by the learned ADJ, whereby the learned ADJ granted ten days' further time to the respondent/judgment debtor to pay ₹ 10,70,000/- and costs of ₹ 10,000/-. Learned counsel for the petitioner submits that, in fact, even after that date, this matter was repeatedly listed before the learned ADJ and has been adjourned from time to time and the aforesaid amount remains outstanding.

2. My attention has been invited to order dated 1st September, 2021, passed by a coordinate Single Bench of this Court in CM(M) 576/2021, in para 13 of which there is a specific direction to the respondent to pay the aforesaid amount of ₹ 10,70,000/- to the petitioner on or before 22nd September, 2021. We are, today, on 25th



April, 2022 and it appears that the aforesaid amount has still not been paid. In fact, this Court is also doubtful of whether, in view of the time limit set by this Court, for making the aforesaid payment, the learned ADJ ought to have granted extension of time, as that might amount to the ADJ extending the time fixed by this Court.

3. Be that as it may, I am informed that the matter is next listed before the learned ADJ on 9th May, 2022.

4. Mr. Dhamija, learned Counsel for the Respondent has submitted that he is willing to handover, to the learned Counsel for the petitioner, a post-dated cheque for ₹ 10,80,000/-, encashable in June. Learned Counsel for the petitioner has refused to accept the cheque and, I am of the opinion, rightly. Once this Court had directed the payment to be made on or before 22nd September, 2021, it is astonishing that the respondent has the temerity to submit to the Court that, even as on date, the respondent is only willing to furnish a post-dated cheque for the aforesaid amount.

5. I may also note, in this regard, that an application was moved by the respondent for extension of time to make the first instalment of payment as directed by this Court on 1st September, 2021. The said application came up before this Court on 6th September, 2021, on which occasion this Court put it to the respondent that extension would be granted subject to the Directors of the respondent company filing an affidavit to the effect that all payments, as directed *vide* order dated 1st September, 2021, would be made by the respondent, as per



the timeline indicated in the said order. On this suggestion being mooted by the Court, the respondent preferred to withdraw the application for extension of time moved by it. The order dated 6th September, 2021 records undisguised chagrin expressed by this Court at the respondent's attitude.

6. That attitude, it appears, continues, in status quo.

7. The respondent is still in want of compliance with the directions issued by this Court in its order dated 1st September, 2021.

8. In the circumstances, instead of keeping this petition pending before this Court, I deem it appropriate to dispose of the matter with the direction to the learned ADJ to take a call on the action to be taken against the respondent, in the event of the aforesaid default on the respondent's part continuing. The learned ADJ is directed to ensure that a decision in this regard is taken on the next date of hearing, i.e. 9th May, 2022 and that the matter is not further adjourned.

9. With the aforesaid direction, this petition is disposed of. Miscellaneous application is also disposed of.

C.HARI SHANKAR, J

APRIL 25, 2022

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