



\$~58(Appellate)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CM(M) 754/2022 & CM APPL. 33597/2022, CM APPL. 33598/2022

M/S DEWAN CHAND BUILDERS AND CONTRACTORS

..... Petitioner

Through: Mr.T.P.S. Kang and Mr.M.D. Zanaid, Advs.

versus

M/S RAYCO ENGINEERING SERVICES Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T (O R A L)

% 01.08.2022

1. This petition, under Article 227 of the Constitution of India, is directed against orders dated 1st July, 2022 and 8th July, 2022, passed by the learned Additional District Judge (the learned ADJ) in Execution No. 107/18 (*Rayco Engineering Services v. Dewan Chand Builders & Contractors*).

2. A reading of the two orders indicates that, *vide* the order dated 1st July, 2022, the learned ADJ adjourned the proceedings to 8th July, 2022, and *vide* the order dated 8th July, 2022, he adjourned the matter further to 8th August, 2022.

3. There are certain observations contained in the order dated 8th July, 2022 regarding the calculation of the amount payable to the



decree holder. Mr. Kang, learned Counsel for the petitioner (the judgment debtor) expresses reservations against the said calculation.

4. Inasmuch as the learned ADJ has merely adjourned the proceedings, albeit with the aforesaid observations, I do not deem it necessary to burden this Court by keeping this matter pending, especially as the jurisdiction being exercised by this Court is only under Article 227 of the Constitution of India.

5. As such, this petition is disposed of with liberty to the petitioner to, should, he have any dispute regarding the calculations contained in the orders dated 1st July, 2022 and 8th July, 2022, ventilate the said issue before the learned ADJ on the next date of hearing.

6. It would be open to the petitioner to urge, before the learned ADJ, the actual amount which, according to him, is payable to the respondent-decree holder.

7. This Court is not expressing any view in the matter. The learned ADJ would, no doubt, hear the petitioner on the aforesaid aspect before taking a final decision on the amount payable by the petitioner to the respondent. Needless to say, the respondent would also be at liberty to meet the submissions of the petitioner in that regard.

8. This petition stands disposed of in the aforesaid terms with no orders as to costs.



Dasti.

C.HARI SHANKAR, J

AUGUST 1, 2022/kr

