



\$~39

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

% Judgment delivered on: 29.05.2023

+ CM(M) 918/2023

SPP FOOD PRODUCTS PVT LTD Petitioner

versus

INDIA OVERSEAS CO. Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Bharat Arora, Advocate

For the Respondent : None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. This is a petition filed by the petitioner/deGREE holder challenging the order dated 09.12.2022 passed in Ex.No. 166/2022 titled “*M/s. SPP Food vs. M/s. India Overseas.*”

2. Mr. Bharat Arora, learned counsel submits that the petitioner/deGREE holder has been unable to trace out the residential address of the respondent/judgment debtor and has been trying from the last seven years to execute the decree, which was passed in the year 2015 by the learned Trial Court.



3. Exasperated, the petitioner/decreed holder had filed an application before the learned Trial Court seeking directions to the bank of respondent/judgment debtor to produce the KYC and other relevant documents of the respondent/judgment debtor so as to be able to trace out the address or any additional information in regard to the whereabouts of the respondent/judgment debtor.
4. Learned counsel also submits that the dismissal of such application is contrary to the general law that the decree ought to be executed and reached its logical conclusion.
5. Learned counsel also submits that the direction as sought for in the application noted by the learned Trial Court is incorrect and wrong for the reason that even at the time of attachment of the bank account, the decree holder is not under an obligation in law to make any such banker, a party to such execution proceedings.
6. This Court has considered the submissions made by learned counsel as also perused the impugned order.
7. The process of the Court cannot be utilized for the purposes of gathering information as to the whereabouts or the other information in respect of the respondent/judgment debtor. It is the primary obligation of the petitioner/decreed holder itself to obtain such information from wherever it is possible.
8. This Court does not find any perversity or illegality or judicial impropriety displayed by the learned Trial Court by passing the impugned order.
9. Accordingly, the petition is dismissed with no order as to costs.
10. The aforesaid observations made in the present order is only to



the extent of challenge made in the order dated 09.12.2022 and shall not bind the petitioner/decreed holder from taking the other appropriate steps to execute the decree.

TUSHAR RAO GEDELA, J.

MAY 29, 2023

ॐ

