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

Date of decision: 31.10.2023

+ CM(M) 1762/2023 & CM APPL. 55792/2023

SUSHIL GOEL

..... Petitioner

Through: Mr. Atul Gupta, Advocate

versus

PIONEER CORPORATION

..... Respondent

Through: Mr. Naval Kastia and Ms. Sharika,
Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 55793/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1762/2023 & CM APPL. 55792/2023

1. This petition filed under Article 227 of the Constitution of India impugns the orders dated 15.09.2023 & 20.10.2023 in the execution petition bearing Execution (Comm) No. 256/2023, titled as **Pioneer Corporation Vs. Sushil Goel** ('Executing Court') whereby the Executing Court while issuing notice vide order dated 15.09.2023 directed the Petitioner to file his affidavit of assets and vide order dated 20.10.2023 reiterated and directed the Petitioner to comply with the direction given vide order dated





15.09.2023 within two weeks.

2. The Petitioner is the original judgment debtor and Respondent is the original decree holder before the Executing Court.
3. The execution petition has been filed by the Respondent seeking execution of a settlement decree dated 22.01.2021 passed by the District Judge (Commercial Court), Central District, Tis Hazari Courts, Delhi in CS (COMM) 1803 of 19.
4. With the consent of the parties, the following directions are being passed: -
 - i. The operation of the orders dated 15.09.2023 and 20.10.2023 is hereby suspended until the objections filed by the Petitioner herein on 20.10.2023 before the Executing Court are disposed of.
 - ii. The Respondent i.e., the decree holder will file his reply to the said objections within a period of two (2) weeks from today and rejoinder, if any, will be filed by the Petitioner i.e., judgment debtor within one (1) week thereafter.
 - iii. The learned Executing Court is requested to hear and adjudicate upon the said objections on 15.12.2023 i.e., the date already fixed before the Executing Court and dispose of the said objections preferably within eight (8) weeks in accordance with law.
 - iv. The Petitioner undertakes to this Court that if the objections are dismissed against him, he will file his affidavit of assets in compliance of the orders dated 15.09.2023 and 20.10.2023 within one (1) week of the order of dismissal of objections and the said affidavit will not be withheld on the ground of the right to file the appeal.
5. The aforesaid directions have been passed in view of the reliance





placed by the counsel for the Petitioner on the judgement of the Supreme Court passed in ***Barkat Ali vs. Badrinarain (Dead) by LRs.; (2008) 4 SCC 615*** and the judgement of the Coordinate Bench of this Court in ***G.S Sandhu & Anr. vs. Geeta Aggarwal; 2022 SCC Online Del 111.***

6. With the aforesaid directions, the present petition is allowed in the aforesaid terms.

7. Pending Applications, if any, shall stand disposed of.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 31, 2023/rhc/ms

[Click here to check corrigendum, if any](#)

