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

Date of decision: 20.11.2023

+ CM(M) 1916/2023 & CM APPLs. 59943-44/2023

SHAKTI ROLLER SYSTEM

..... Petitioner

Through: Mr. Saurabh D. Karan Singh,
Advocate

versus

ZUBERI ENGINEERING CO & ANR.

..... Respondent

Through: None

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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. 59944/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1916/2023 & CM APPL. 59943/2023

1. This petition filed under Article 227 of Constitution of India impugns the orders dated 02.02.2023, 07.07.2023, 31.08.2023 and 13.10.2023 passed by the ADJ-11, Central District, Tis Hazari Courts, Delhi ('Executing Court') in execution petition bearing Ex. No. 22/2023, titled as '**Zuberi Engineering Co. v. M/s Shakti Roller System & Anr.**'. The Executing Court vide said orders issued warrant of attachment of the Petitioner's bank account, and subsequently, of movable properties found at premises bearing



No. AA/1, Street No.4, Anand Parwat, New Rohtak Road, New Delhi – 110005.

2. After some arguments, learned counsel for the Petitioner seeks to withdraw this petition with liberty reserved to the Petitioner to approach the Executing Court to file objections to the decree dated 01.09.2016, including the objection that no notice was issued to the Petitioner as contemplated in Order XXII Rule 22 of Code of Civil Procedure, 1908 ('CPC').

2.1. He states that the decree dated 01.09.2016 was passed ex-parte and the execution petition was filed on 03.01.2023. He states that he may be protected until the decision on the said objections by the Executing Court.

2.2. He states that, however, in order to show his bona fide, the Petitioner will deposit before the Executing Court, in two instalments, a sum of Rs. 14,00,000/-. He states that the first instalment for a sum of Rs. 7,00,000/- will be deposited on or before 04.12.2023 and the second instalment of Rs. 7,00,000/- will be deposited on or before 22.12.2023.

2.3. He states that the Petitioner will file his objections before the Executing Court within a period of two weeks i.e., on or before 04.12.2023.

3. The aforesaid statement of the Petitioner is taken on record and accepted as an undertaking to this Court. In view of the undertaking given by the Petitioner and subject to the Petitioner depositing the aforesaid amount on the dates fixed, the operation of the order dated 13.10.2023 passed by the Executing Court shall remain stayed.

4. It is clarified that if the Petitioner defaults in filing the objections, making the deposits of the instalment of Rs. 7,00,000/- on 04.12.2023 and/or on 22.12.2023, the stay granted vide this order shall stand vacated automatically on the first default without seeking any clarification from this



Court.

5. It is clarified that no further extension of time will be granted for the purpose of filing of the objections and/or making the payment of instalments.

6. Subject to timely compliance of directions issued in this order by the Petitioner herein, the learned Executing Court is requested to decide the said objections in accordance with law. The learned Executing Court is requested to keep the amount of Rs. 14,00,000/- in an FDR. The directions for release of the amount of Rs. 14,00,000/- shall be passed by the Executing Court after deciding the objections.

7. Learned counsel for the Petitioner states that he will also avail his remedies against the judgment and decree dated 01.09.2016 in accordance with law. The said statement is taken on record.

8. With the aforesaid directions, the present petition is disposed of. Pending applications, if any, stand disposed of.

9. A copy of this order be given *dasti* under the signatures of the Court Master.

10. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 20, 2023/msh/aa

Click here to check corrigendum, if any