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

+ **CM(M) 102/2024, CM APPL. 2865/2024 (stay)**

RAJAT ARORA

..... Petitioner

Through: Mr.Paras Chaudhary, Mr.Dhananjay
and Ms. Vimi Wadhwa, Advs.

versus

MR. DEEP BAJAJ & ORS.

..... Respondents

Through: Mr.Mikhil Sharda, Adv. for R1.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **16.01.2024**

CM APPL. 2866/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 102/2024, CM APPL. 2865/2024 (stay)

3. The present petition has been filed impugning the orders dated 09.01.2024 and 11.01.2024 passed by the learned ADJ-06, South district, Saket Courts, New Delhi, in CS DJ No.14/2024 vide which the learned ADJ had directed to attach the petitioner's bank accounts, being Bank Account no. 501000099637464, HDFC Bank, NFC Mathura Road, New Delhi and Bank Account no. 0011374237, Kotak Mahindra Bank, D-960, New Friends Colony, New Delhi 110065. The petitioner herein is the defendant before the learned Trial Court.

4. It is submitted that the application under Order XXXVIII Rule 5 CPC



is still pending disposal before the learned Trial Court and the notice of the application has been received by the petitioner in the evening yesterday.

5. It is submitted that the parties entered into a business contract on 16.06.2023 for procuring and providing air-conditioners as well as for providing services for installing the same at the residential premises of respondent no.1. The said contract could not be carried out within the prescribed time limit as there was delay on part of respondent no.1 since he was renewing the drawings time and again. This argument has been controverted on behalf of respondent no. 1 by submitting that on 31.10.2023, all the air-conditioners were to be provided and installed. However, the petitioner provided only 5 to 7 air conditioners instead of 21 air conditioners and the ones which were provided were also defective.

6. Accordingly, faced with such a situation the respondent no.1 filed a suit against the petitioner whereas, on behalf of respondent it was submitted that the petitioner failed to comply with terms and conditions of the contract.

7. The respondent no. 1 had instituted a suit for recovery of money and exemplary damages on 08.01.2024 and had also preferred an application under Order XXXVIII Rule 5 CPC wherein the learned Trial Court has passed the order attaching the bank accounts of the petitioner on 09.01.2024.

8. Apart from hearing the arguments, the record has been perused. The operation of the impugned orders dated 09.01.2024 and 11.01.2024 is stayed till the application under Order XXXVIII Rule 5 CPC is decided by the learned Trial Court.

9. The parties to make all the submissions raised in this petition before the learned Trial Court and the learned Trial Court is directed to dispose of the aforesaid application expeditiously.



10. Accordingly, the present petition is disposed of.

SHALINDER KAUR, J

JANUARY 16, 2024/SDS