



\$~7

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

+ C.R.P. 48/2024

MIOTA RESEARCH PVT. LTD.Petitioner

Through: Mr. Shikhar Khare and Mr. Bhawani
Chaurasia, Advocates.

versus

NILADRI MUKHERJEERespondent

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

%

22.10.2024

1. The Revision Petition under Section 115 of CPC, 1908 has been filed on behalf of the petitioner to challenge the impugned Order dated 13.10.2023 vide which the objections filed on behalf of the Decree Holder to the Affidavit of Assets dated 08.08.2023 filed on behalf of the Judgment Debtor, has been closed.
2. It is submitted on behalf of the revisionist that the Suit is a sum of Rs.33,16,515/- along with the *pendente lite* and future interest @6% p.a. and costs was decreed in favour of the Decree Holder vide Judgment and Decree dated 26.08.2022. The respondent/Judgment Debtor, however, failed to pay the decretal amount and the Execution Petition was accordingly, filed by the Decree Holder.
3. The Executing Court vide its Order dated 07.07.2023 directed the respondent/Judgment Debtor to file the Affidavit of his Assets in the prescribed format as per the CPC. The Affidavit was filed by the Judgment Debtor, but it was bereft of all the necessary particulars as prescribed under



Form 16A, Appendix E of the CPC. All that the Affidavit states is that there are no Assets of the Judgment Debtor located in India. However, no disclosure about the Assets located outside the India, has been made by the respondent.

4. The Decree Holder had filed his Objections to the Affidavit on 13.10.2023, but the same has been disposed of by the learned ADJ by observing that though the said Affidavit is not in accordance with the Form 16A, Appendix E of the CPC, but keeping alive the Objections of the Decree of the Decree Holder would be futile especially because the Judgment Debtor has taken the citizenship of Canada.

5. Aggrieved by the said Order, the present Revision Petition has been filed. The respondent has been served but none has appeared. The only grievance of the Revisionist/Decree Holder is that the Judgment Debtor must be compelled to disclose his Assets outside India as well, to enable the Decree Holder, to realise the decree.

6. **Submissions heard.**

7. Considering that the learned ADJ himself had observed that the Affidavit filed by the Judgment Debtor, was not in the prescribed proforma, the present Revision Petition is allowed and the learned ADJ is directed to seek a fresh Affidavit of the Judgment Debtor, in accordance with the Form 16A, Appendix E of the CPC.

8. The impugned Order dated 13.10.2023 to the said extent is set aside and the Revision Petition is accordingly allowed.

NEENA BANSAL KRISHNA, J

OCTOBER 22, 2024/RS