



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EFA(OS) 10/2023 & CM APPL. 27786/2023, CM APPL. 27787/2023, CM APPL. 27788/2023, CM APPL. 43806/2023**

M/S VILLAGE PEOPLE RESTAURANTS LLP Appellant

Through: Mr Vijay Kasana, Mr Kshitij Chhabra
and Mr Chirag Verma, Advocates.

versus

SHAILENDER SINGH HUF

..... Respondent

Through: Ms Smita Maan, Mr Vishal Maan and
Mr Kartik Dabas, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

25.01.2024

[Physical Hearing/Hybrid Hearing (as per request)]

1. This appeal is directed against the order dated 20.03.2023, passed by the learned Single Judge in Execution Petition No. 37/2020.
2. The judgment debtor/appellant seeks to assail the aforementioned order passed by the learned Single Judge on two broad grounds:-
 - i. First, since the subject properties are located outside the territorial jurisdiction of this court, the same could not have been attached.
 - ii. Second, the subject properties being personal properties of the partners of the judgment debtor, without lifting the veil they could not have been subjected to coercive measures under the execution proceedings.
3. To be noted, the subject properties are described at paragraph 3 of the EFA(OS) 10/2023

Page 1 of 3



impugned order.

3.1 For convenience, the relevant portion of paragraph 3 of the impugned order, insofar as the description of the subject properties is concerned, is set forth hereafter:-

- (i) 1/3rd share in property No.E-8, Ravera Parm, Arpora, Goa [in short, “Goa Property”].
- (ii) Khata Katauni No.225, Khasra No.103 Min. total 125.46 sq. meter and area 125.46 is built up in Mauza Mangol Panditwadi, Pargana Kendriyadun, District Dehradun, Uttarakhand [in short, “Uttarakhand Property”].

4. In the course of hearing, we asked counsel for the parties as to whether they would give their consent to the following directions that we intend to issue.

4.1 Counsel for the parties stated in no uncertain terms that the directions we intend to set forth will serve the interest of both parties, till such time a decision is taken by the concerned court with regard to the execution of the subject decree.

5. Accordingly, the appeal is disposed of and the impugned order is varied to the extent indicated hereafter:

- i. The respondent/decreed holder will approach the concerned court with regard to the Goa and the Uttarakhand properties for the execution of the subject decree.
- ii. The partners of the appellant/judgment debtor, i.e., Mr Arjun Yadav and Ms Sakshi Yadav will ensure that no third party interest is created in the Goa and the Uttarakhand properties till such time a decision is taken by the concerned Executing Court.



iii. The respondent/decreed holder will file appropriate applications for execution of the subject decree within the next eight (08) weeks.

6. In case applications are not filed within the time frame given hereinabove, the direction issued *qua* the partners of the appellant/judgment debtor, i.e., not to create third party interest in Goa and Uttarakhand properties will automatically stand dissolved.

7. Needless to add, the submission made before us on behalf of the appellant/judgment debtor that the Goa and the Uttarakhand properties cannot be brought within the sway of the execution proceedings insofar as the subject decree is concerned, is an aspect which the concerned court will consider, after giving opportunity to both sides.

8. Accordingly, pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JANUARY 25, 2024

at

Click here to check corrigendum, if any