



2024:DHC:7032



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 11th September, 2024***
+ CM(M) 3377/2024 & CM APPL. 53053/2024 & CM APPL. 53052/2024

MR. AJAY JAIN & ANR.

.....Petitioners

Through: Mr. Mridul Jain along with Ms. Ruby
Sharma, Advocate.

Versus

M/S SOOD RESINS AND POLYMERS

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. An award was passed in favour of M/s Sood Resins and Polymers (respondent herein) and against M/s Paragon Paper Industries, LLP on 21.08.2021 in Arbitration Claim No.25/2020.
2. On the basis of the abovesaid award, Execution No. 646/ 2021 was filed before the learned Commercial Court.
3. On 5th September, 2024, learned counsel for the Judgment- Debtor appeared before the said Court for the first time and stated that he wished to file objections.
4. However, the learned Trial Court, instead, directed all the partners of the Judgment-Debtor to disclose their assets and liabilities including their bank accounts along with amount lying therein within one week. It was also observed that in case of non-compliance, it would issue coercive process.
5. Such order is under challenge.
6. Mr. Mridul Jain is representing JD firm as well as the partners of said



firm, which is a *Limited Liability Partnership Firm*.

7. Mr. Jain, learned counsel for the petitioner states that since it is a limited liability partnership firm, no such directions should have been issued against such partners in view of Sections 3, 27 and 28 of Limited Liability Partnership Act, 2008.

8. He further states that there is no intention on the part of such partners to disobey any order of the Court but fact remains that, at least, the learned Trial Court should have given an opportunity before passing any such adverse order, particularly, when they have statutory protection.

9. Nobody appears from the side of the Decree-Holder despite service of advance notice.

10. The matter is fixed before the learned Executing Court tomorrow and, therefore, in the given facts and circumstances of the case, the present petition is disposed of with the direction that the authorized representative of Judgment-Debtor and one such partner of JD firm would appear in person before the learned Trial Court.

11. Such partner(s) would be at liberty to move appropriate application before the learned Executing Court within three days and after hearing arguments with respect to such application from both the sides, the learned Executing Court would be at liberty to pass appropriate orders in accordance with law.

12. Needless to say, in view of the above, the direction given by the learned Trial Court to the partners of the JD to disclose their assets and liabilities stand recalled for the time being.

13. The petition is disposed of in the aforesaid terms.

14. It is, however, clarified that this Court has not given any final



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observation with respect to the contention made by such partners and learned Trial Court shall decide the same in accordance with law, without getting influenced by this order.

(MANOJ JAIN)
JUDGE

SEPTEMBER 11, 2024/ss