



2024:DHC:7493



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 27th September, 2024*

+ CM(M) 3500/2024 & CM APPL. 57085-57086/2024

ROHIT MADAN

.....Petitioner

Through: Mr. Zueb Hossein and Mr. Akshay
Ravi, Advocates along with
petitioner-in-person

versus

ADITYA MADAN

.....Respondent

Through: None

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)****CM APPL. 57085/2024 (exemption)**

Exemption allowed, subject to all just exceptions.

CM(M) 3500/2024 & CM APPL. 57086/2024

1. Petitioner herein is judgment debtor.
2. In view of the compromise between the parties, which had taken place on 21.01.2023, a compromise decree was passed same day.
3. Broadly speaking, a sum of Rs. 38 lacs has already been cleared by the petitioner by way of Post Dated Cheque/Demand Draft and the balance amount is of Rs. 14,50,000/-.
4. I have seen the impugned order dated 20.09.2024.
5. In relation to the aforesaid execution petition, judgment debtor had appeared before the learned Executing Court and when he was asked, whether he was ready to make any payment or not, he declined, while also claiming that he would be filing objections. However, it seems that when there was a request by decree holder for attachment of one vehicle, judgment debtor i.e.



petitioner herein made a statement before the learned Executing Court that he was willing to make payment.

6. On the basis of such statement made by judgment debtor, learned Executing Court directed him to make payment on 28.09.2024.

7. When asked, as to how and in what manner, judgment debtor was aggrieved by the aforesaid order, it was stated by Mr. Zoeb Hossein, learned counsel for petitioner that though there is no intention to delay the payment, but it may not be possible for the judgment debtor to clear the entire balance amount by tomorrow. It is stated that payment schedule would be submitted before the learned Executing Court tomorrow itself and some payment would also be made.

8. Nobody appears on advance notice from the side of decree holder.

9. Keeping in mind the overall facts and circumstances of the case, though this Court does not find any reason to interfere with the impugned order at this stage, it is clarified that judgment debtor shall be at liberty to submit payment schedule before the Executing Court tomorrow, along with some part-payment towards balance amount. Learned Executing Court would consider such payment schedule and would be at liberty to pass appropriate orders in accordance with law after hearing both the sides.

10. Petition stands disposed of in the aforesaid terms.

11. All the rights and contentions of the parties are reserved.

(MANOJ JAIN)
JUDGE

SEPTEMBER 27, 2024/dr