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

+ **EX.P. 110/2024 & EX.APPL.(OS) 2052-54/2024**

MS SHEFALI KOUL

.....Decree Holder

Through: Mr. Naman Joshi Mr. Rahul, Mr.
Verdoon Jain, and Mr. Shivam Gera,
Advocates.

versus

MOHD RAFIQ MIR & ORS.

..... Judgement Debtors

Through: None.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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23.12.2024

EX.P. 110/2024 & EX.APPL.(OS) 2052/2024 (Under Section 39 read with
Section 40 and Section 151 of Code of Civil Procedure, 1908 for transfer of
decree),

EX.APPL.(OS) 2053/2024 (Under Section 46 and Section 151 of the Code
of Civil Procedure, 1908 for issuance of percept),

1. This is an Execution Petition seeking implementation of the decree dated 09.10.2024 passed by this Court in CS(OS) No. 592/2021 whereby the Decree Holder has been held entitled to a principal sum of Rs.3,07,28,136/- alongwith interest at 6% per annum from the date of Memorandum of Understanding i.e., 26.10.2020 till realization of the entire amount.
2. The decree further holds that the Decree Holder is entitled to receive arrears of rent at Rs. 39,000/- per month for the period November, 2020 till October, 2024 calculated without interest.
3. Learned counsel for Decree Holder states that immovable properties of the Judgment Debtors are located in the Union Territory of Jammu &



Kashmir and the details of the said immovable properties have been set out in prayer clause 'E' at sub-clause (a), (b) and (c).

3.1 He states that in view of this fact the Decree Holder prays for transfer of the aforesaid decree under Section 39 of the Code of Civil Procedure, 1908 ('CPC') to High Court of Jammu & Kashmir and Ladakh at Srinagar [Kashmir Wing], in Ex.Appl. (OS) 2052/024.

3.2 He states that similarly the Decree Holder in Ex. Appl. (OS) 2053/2024 is also seeking issuance of percept under Section 46 of the CPC to the High Court of Jammu & Kashmir and Ladakh at Srinagar [Kashmir Wing], seeking for attachment of the movable and immovable assets of the Judgment Debtors within its jurisdiction.

3.3 He states on instructions from the Decree Holder that that the immovable property enlisted at paragraph 'E' at sub-clause (e) of the prayer clause at Saket, Delhi, has already been sold by Judgment Debtors and, therefore, he is not pressing for the said relief as the same is infructuous.

4. In view of the submissions made by the Decree Holder, both Ex. Appl. (OS) Nos. 2052/2024 and 2053/2024 are hereby allowed considering the fact that properties of Judgement Debtors are located in the union territory of Jammu & Kashmir and Ladakh and therefore, the pecuniary and territorial jurisdiction for execution of the said decree would vest with the High Court of Jammu & Kashmir and Ladakh at Srinagar [Kashmir Wing].

5. The registry is directed to issue requisite Precept and Transfer Certificate in favour of the Decree Holder for transfer of the decree dated 09.10.2024 passed by this Court in CS(OS) No. 592/2021 to High Court of Jammu & Kashmir and Ladakh at Srinagar [Kashmir Wing] for due execution. Transfer Certificate and Percept will also be given *dasti* to the



counsel appearing on behalf of the Decree Holder.

6. Learned counsel for the Decree Holder states that no further reliefs are being pressed for in the present petition and the same may be disposed of.

7. The captioned petition is accordingly disposed of.

8. The pending application(s), if any, also stand disposed of.

9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 23, 2024/*mr/AKT*