

3EX103/22VISHAL SOOD Vs.
ECNON RESIDENCY BUILDCON PVT. LTD

12.07.2024

Present : Sh. Ram Kishan, Ld. Counsel for the DH through V.C. with Proxy Counsel Sh. Pramod Kumar and husband of DH Sh. R.K.Gupta is present.
Sh. Aditya Tyagi, Proxy for Sh. Gaurav Kumar, Ld. Counsel for the JD No.3&4 with JD No.3 Sh. Neeraj Kumar and JD No.4 Ms. Ritu Kapoor through V.C.
None for the other JDs on call at 10.41am.

Perused Order, dated 10.07.2024, from the Hon'ble High Court of Delhi, whereby the JD No.3 Sh. Neeraj Kumar Sharma has been exempted from personal appearance before this Court till 18.09.2024.

It appears that application U/o 21 rule 30 CPC has been moved by the DH for issuing warrants of arrest against the JDs and even JDs No.1&2 are not present. The JD No.1 has been taken to be served on 21.05.2022. Even, appearance of Sh. Gaurav Kumar, Ld. Counsel for the JD No.2 has been marked on 16.09.2022. Therefore, all the JDs have been served with the notice of the execution petition.

Sh. Tyagi submits that he has moved an application U/s 153 of CPC, praying therein for removal of the names of JDs No.3&4, i.e. Sh. Neeraj Kumar Sharma and Ms. Ritu Kapoor, respectively. He further submits that even there is certain confusion in numbering of the defendants/JDs and he shows certain certified copy of the purported Order, dated 11.08.2016, passed by Sh. Anurag Sain, then Ld. ADJ-02, East, KKD Courts, Delhi. However, there is no suit number mentioned in such certified copy. Ld. Counsel submits that he would

file certified copy on record immediately with list and spare copy and take appropriate steps for summoning of the file of the main suit, wherein, the above Order, dated 11.08.2016 is set to have purportedly been passed. Let the concerned file be summoned on PF and correct details. JDs No.3&4 are to take steps within 15 days.

There is a prayer in the application moved on behalf of the present DH for issuance of direction to all the JDs to submit affidavit/(s) of their assets under Order 21 rule 41 CPC. All the JDs are directed to submit the affidavits of their assets in terms of the directions issued by the Hon'ble High Court of Delhi as per the decision of **Bhandari Engineers case**.

Put up on **04.10.2024** for compliance, as above/further consideration in the matter. Progress made before Hon'ble High Court of Delhi on 18.09.2024, be informed on that day.

It is also made clear that if the Ld. Counsel for the JDs Sh. Neeraj Kumar Sharma and Ms. Ritu Kapoor does not take appropriate steps within 15 days as above, then the application U/s 153 CPC shall be decided only in accordance with law as it would not be made clear if the application has any substance in the absence of the record of the main suit.

DH is directed to submit certified copy of the judgment and decree forthwith.

(Sanatan Prasad)
District Judge-02 (East)
Karkardooma Courts/Delhi/12.07.2024