

25.11.2022

Present: Sh. B.R. Kaushik, Ld. Counsel for DH along with DH.
Sh. Ankush Sharma, Ld. Counsel for LRs of JD along with the LRs.

The present matter is pending for the adjudication on the objections filed by the LRs of the deceased JD. The main point of dispute between the parties in this execution petition is that the LRs of the JD submit that they have not inherited anything from the deceased JD. Affidavit in this regard has been filed by LR Madhu Vohra. Garima Vohra and Mahima Vohra were also directed to file affidavit in this regard on the last date of hearing. Today, affidavit of bank account along with statement of bank account has been filed on behalf of Garima Vohra and Mahima Vohra. However, affidavit with respect to the assets inherited by the aforesaid two LRs has not been filed till date. Ld. Counsel for the LRs of JD has submitted that he would file the said affidavit as per directions of this Court. Therefore, let the said affidavit be filed within two weeks on behalf of Garima Vohra and Mahima Vohra.

At this stage, I had gone through the objections filed by LR Madhu Vohra wherein it has been admitted that one television Samsung LCD 32 inches, one Samsung Single Door Fridge, one AC Voltas 1.5 ton, one RO water purifier and one Samsung Semi Automatic washing machine were the only movable assets left behind by the deceased JD and in para 8 (a) of the objections filed, the LR Madhu Vohra has submitted that she is ready to deposit the aforesaid movable items received from JD. However, the Ld. Counsel for JD has objected to the attachment of the said items through issuance of Warrants of Attachment. He has submitted that the same may not be attached as they would not satisfy the decree completely as the said decree is for a sum of Rs. 31,32,500/- along with interest @ 11% per annum.

I have considered the submissions. Section 50 of the

CPC clearly provides that where the decree is to be executed against the LRs, in case where the JD has expired before the satisfaction of the decree, such LR would be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed off. Section 60 of CPC clearly provides that movable goods belonging to the JD can be attached. Ld. Counsel for JD could not point out any clause of Section 60 proviso under which the aforementioned movable goods would fall. Therefore, I find that there is no legal impediment to the attachment of the movable goods that have been admitted by the LRs of the JD on affidavit to have been inherited from the deceased JD.

Let fresh Warrant of Attachment of movable goods of LRs of JD as per the valuation report provided by the LRs of the JD themselves which is marked as **Mark X** at serial nos. 1 to 5 be issued on filing of PF along with affidavit affirming outstanding amount and list of movable goods.

DH is directed to appear before Ld. ACJ, Dwarka Court, on **16.12.2022** for appointment of bailiff and matter be listed in Court on **27.01.2023** for bailiff's report.

(DIVYANG THAKUR)
ADJ-03/ SOUTH-WEST
DWARKA/ NEW DELHI
25.11.2022 (A)