

20.10.2022

Present: Sh. Rahul Kapoor, Ld. Proxy Counsel for DH.

The present execution petition has been filed seeking enforcement of decree for specific performance dated 25.10.2017. In terms of the decree passed as above, plaintiff was to deposit a sum of Rs.20,00,000/- whereupon the defendant was to execute the sale deed. Though the DH has deposited the said amount vide DD no.260349 dated 04.10.2019 issued from Axis Bank, Ld. Proxy counsel for the DH has moved an application stating that the DH is not in a position to pursue the present execution petition in view of various health issues. Consequently, he wishes to withdraw the present execution petition and requests for refund of Rs.20,00,000/- which stands deposited vide the above said DD.

Since the DH is stated to be bed ridden, statement in this regard is required to be made by the arguing Counsel or the AR on behalf of the DH. Alternatively, Local Commissioner can be appointed to get the statement of the DH recorded. Ld. Proxy Counsel seeks some time to get instructions from the Main Counsel.

Put up for further proceedings on **23.12.2022**. Copy of this order be given *Dasti* to the Ld. Proxy Counsel for the DH.

(Ajay Gulati-I)
ADJ-02, WEST
20.10.2022