

Ex. No.582/22

Vijay K. Malhotra vs. Russy Maini

14.08.2023

Present : Ld proxy counsel for Objector.

In this matter, one application under Section 21 Rule 58 CPC has been moved on behalf of Objector-Ajay Maini.

Arguments heard on the same on the last date of hearing.

Record perused.

In the said application, it is submitted by Objector that he is husband of JD and present application has been moved qua order dated 07.07.2023. It is submitted that vide order dated 07.07.2023, directions have been given by the Court for attachment of movable properties as mentioned in the list of articles filed alongwith execution petition. It is submitted that details of articles mentioned in the list is not correct. It is further submitted that articles except car has been purchased by the Objector from his own income and presently used by the family. It is further submitted that car is hypothecated with the Kogta Financial India Ltd and presently belong to the financier. In view of above facts, prayer has been made to recall the order dated 07.07.2023 and stay the execution.

Perusal of record shows that in the present matter vide order dated 07.07.2023, directions were given for issuance of warrants of attachment qua movable properties of JD. This Court is of the considered view that directions have been given for attachment of movable properties which belong to JD and if the said properties do not belong to JD, same shall

not be attached by the Court bailiff as per rules. This Court is of the further view that vide said order, no directions have been given to attach the property which does not belong to JD. In these circumstances, no case is made out to stay the execution of order dated 07.07.2023. Accordingly, application is disposed off.

Matter be put up for the purpose fixed on the date already fixed i.e. **25.08.2023**.

Copy of this order be given *dasti*.

(Dharmender Singh)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi
14.08.2023