

EX 265-22

Sikkas Kwick Handling Service (P) Ltd.

Vs.

M/s Uni Style Images Pvt. Ltd.

13.03.2023 at 02.05 p.m.

File taken up today on an application under Section 46 of CPC

Present: Ms. Summi Singh, Ld. Proxy counsel for counsel for the decree holder.

Ld. Proxy counsel for decree holder submits that she has been authorized by the main counsel to address arguments.
Heard.

Record perused.

An application under Section 46 of CPC has been moved requesting for issuance of precept qua bank account bearing no. 629405040184 of the judgment debtor stating that there is reasonable apprehension that the judgment debtor is planning to shut down its business and to run the same in a different name to avoid its liability towards the decree holder. Further, it is stated that the decree holder also has reasonable apprehension that to avoid its liability, the judgment debtor may also close its bank account no. 629405040184. The application is supported with affidavit of Senior accountant / AR of the decree holder.

Nazir report reveals that this Court does not have jurisdiction to try the execution petition as the judgment debtor is not operating from the jurisdiction of this Court and also does not have any assets within this Court.

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Accordingly, Nazir is directed to issue transfer certificate under Order XXI Rule 6 of CPC in respect the decree. Dasti be given to the Ld. Counsel for the decree holder.

Considering that reasonable apprehension has been expressed that the judgment debtor may defeat the decree in favour of the decree holder, it is ordered that a precept be also issued to the transferee Court for a stipulated period of two months. The application is also accordingly disposed off.

Next date of hearing stands cancelled.

File be thereafter consigned to records.

(Vijeta Singh Rawat)
Additional District Judge-01
PHC/New Delhi/13.03.2023