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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **OMP (ENF.) (COMM.) 201/2018**

**HERO FINCORP LIMITED**

..... Decree Holder

Through: Mr.Prashant Tripathi, Mr.Sampanna Pani  
and Mr.Karan Singh V, Advocates

versus

**HARI RAM GUPTA & ORS.**

..... Judgment Debtors

Through: Mr. Rahul Mehra, Standing Counsel  
(Criminal), GNCTD

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **27.11.2019**

1. Vide order dated 20<sup>th</sup> August, 2018, the judgment debtors were directed to file their affidavit of assets in Form 16A, Appendix E under Order XXI Rule 41(2) of the Code of Civil Procedure. However, the same was not filed within the time granted.
2. On 4<sup>th</sup> October, 2018, further three weeks' time was granted to file the affidavit but was not filed within the time granted.
3. On 19<sup>th</sup> August, 2019, further four weeks time was granted to the judgment debtors to file the affidavit subject to cost of Rs.7,500/-. However, judgement debtors have neither filed the affidavit nor paid the cost. There is no appearance on behalf of the judgment debtors.
4. Order XXI Rule 41(3) of the Code of Civil Procedure empowers this Court to direct the detention of the judgment debtors in civil prison for a period of three months for failure to file the affidavits of assets.
5. This Court is satisfied that this case warrants exercise of power under Order XXI Rule 41(3) of the Code of Civil Procedure and the judgment debtors are directed to be detained in civil prison for a period of three



months.

6. Mr. Rahul Mehra, learned standing counsel, GNCTD submits that the subsistence allowance is Rs.40/- per day. In that view of the matter, the subsistence allowance of three months would be Rs.3,680/- per person. The decree holder is directed to deposit Rs.11,040/-(40 x 92 x 3) with the Registrar General of this Court within two weeks. Immediately upon deposit of the aforesaid amount, the non-bailable warrants be issued against the judgment debtors to be executed through the SHO of the P.S. concerned.

7. The SHO of the concerned P.S shall send the judgment debtors to civil prison for a period of three months. The SHO is further directed to send a report to the Registrar General of this Court whereupon the Registrar General shall transfer the subsistence charges deposited by the petitioner to the Jail Superintendent by transferring the same directly to their bank account. Mr. Rahul Mehra, learned standing counsel, GNCTD shall furnish the particulars of the bank account of the Jail to the Registry within two weeks.

8. List for reporting compliance on 7<sup>th</sup> January, 2020.

9. The judgment debtors shall not dispose of, alienate, encumber either directly or indirectly or otherwise part with the possession of any assets to the tune of the award amount except in the ordinary course of business such as payment of salary and statutory dues till the next date of hearing.

10. Copy of this order be given *dasti* under signature of Court Master to counsels for the parties as well as Mr. Rahul Mehra, learned Standing Counsel for Government of NCT of Delhi for compliance.

**J.R. MIDHA, J.**

**NOVEMBER 27, 2019**

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