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

+ **OMP (ENF.) (COMM.) 201/2018 & EX.APPL.(OS) 1084/2019**

HERO FINCORP LIMITED

..... Decree Holder

Through: Mr.Sanjeev Singh and Mr.Prashant
Tripathi, Advocates with Mr.Kisalay
Kartikey

versus

HARI RAM GUPTA & ORS.

..... Judgment Debtors

Through: Mr.Abhay Gupta and Mr.Bhuvan,
Advocates for R-2 and R-3 with R-2
and R-3 in person

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
07.01.2020

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1. Learned counsel for the judgment debtors submits that this petition is not maintainable because an IRP has been appointed against the Company and the decree holder has filed its claim before IRP.
2. Learned counsel for the decree holder submits that the judgment debtors are the guarantors and joint and several award has been passed against the Company as well as the guarantors and the decree holder has right to pursue the remedies against the Company as well as against the guarantors.
3. Learned counsel for the judgment debtors still presses that this petition is not maintainable. The submission by learned counsel for the



judgment debtors is highly irresponsible and is rejected.

4. The judgment debtors have filed their affidavits. Learned counsel for the decree holder seeks time to verify the same. Let the response to the affidavits be filed by the decree holder within six weeks.

5. The judgment debtors are directed to file an additional affidavit to place on record how the amount advanced by the decree holder to the judgment debtors was utilised. The affidavit shall be accompanied with all documents containing bank entries and other documents to show the utilisation of the amount.

6. Since the judgment debtors have filed their affidavit of assets, para 5, 6 and 7 of the order dated 27th November, 2019 are recalled. EX.APPL.(OS) 1084/2019 is disposed of.

7. List on 19th March, 2020.

8. Interim order contained in para 9 of the order dated 27th November, 2019 to continue till further orders.

9. The judgment debtors shall remain present in Court on the next date of hearing.

10. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

JANUARY 07, 2020

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