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

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

HERO FINCORP LIMITED

..... Decree Holder

Through: Ms. Ridhi Pahuja, Ms. Taniya
Bansal, Advocates.

versus

HARI RAM GUPTA & ORS.

..... Judgement Debtors

Through: Mr. Anand Aggarwal, Ms. Reena
Jain Malhotra, Advocates with
judgment debtor No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.05.2023

1. By order dated 20.01.2023, all the three judgment debtors were specifically directed to remain personally present in Court. However, only judgment debtor No. 2 is present. No application for exemption has been made for judgment debtor Nos. 1 and 3, nor have they have filed their bank account statements in terms of the directions given in that order.

2. Mr. Anand Aggarwal, learned counsel for the judgment debtors, reiterates the statement recorded in paragraph 2 of the said order that modalities for payment of the settled figure are being worked out between the parties. As the parties have not yet come to a definitive settlement, it was recorded in the said order that the enforcement proceedings have to proceed. No change of circumstances has been brought to the attention of the Court.

3. As far as the non-appearance of the judgment debtor Nos. 1 and 3



is concerned, it is submitted that judgment debtor No. 1 is in Dubai, United Arab Emirates, and judgment debtor No. 3 is in Mumbai, Maharashtra, and both are undergoing medical treatment. Judgment debtor No. 1 is stated to be undergoing some treatment of his legs and judgment debtor No. 3 is being treated for hepatitis. They are directed to place affidavits on record with regard to their medical condition.

4. Mr. Aggarwal states that the residential address of judgment debtor Nos. 1 and 3 is 201, 2nd Floor, Sea Breeze, Nerul, Navi Mumbai, Maharashtra. He undertakes that all three judgment debtors shall remain present in Court on the next date of hearing.

5. At his request, list on 26.05.2023, subject to payment of costs of ₹30,000/- each by judgment debtor Nos. 1 and 3 to the decree holder.

6. It is made clear that if all the three judgment debtors are not physically present in Court on the next date of hearing, coercive proceedings may be initiated for their presence.

7. Judgment debtors are directed to file their bank account statements in accordance with the aforesaid order within one week from today. They are also directed to file affidavit of assets in terms of the orders dated 22.03.2022 and 01.09.2022.

8. Ms. Richa, learned counsel, states that she has earlier been appearing on behalf of the judgment debtors, but seeks discharge. Her *vakalatnama*, in any event is not on record. As the judgment debtors have appeared through counsel, her presence is dispensed with.

PRATEEK JALAN, J

MAY 3, 2023/“Bhupi”/