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

+ **CM(M) 2317/2024**

NISHA JAIN

..... Petitioner

Through: **Mr. Sanjay Rastogi & Mr. Aman
Rastogi, Advs.**

versus

**SHIV KIRPA SILK MILLS THROUGH ITS PROPRIETOR JIWAN
KUMAR JINDAL**

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **09.04.2024**

CM APPL. 21129/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2317/2024, CM APPL. 21128/2024—stay

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 02.03.2024 passed by the learned District Judge (Shahdara), Karkardooma Courts, Delhi (hereinafter referred to as 'Trial Court'), in Execution Petition No.159/2018 titled as "*Shiv Kirpa Silk Mills vs. M/s Santro Shirts*", whereby the objections moved on behalf of the judgment debtor no.2/petitioner herein under Section 47 read with Section 151 Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') has been dismissed.



4. Learned counsel for the petitioner submits that husband of the petitioner, who was the sole proprietor of judgment debtor no.1 firm, expired on 02.01.2016. Being widow of Late Pankaj Jain, who was the sole proprietor of judgment debtor no.1, is having no knowledge about his business. The petitioner came to know about the award when the notice of the execution petition was received by her. Thereafter immediately, petitioner filed objections under Section 47 read with Section 151 CPC which came to be dismissed.

5. Learned counsel further submits that the learned Executing Court did not consider these circumstances as well as the facts which were put forth before the Court and has erroneously dismissed the objections and passed the impugned order dated 02.03.2024 vide which Bailiff has been appointed.

6. Upon petitioner's taking necessary steps, issue notice to the respondent through all permissible modes including via approved courier service, returnable on 16.04.2024.

SHALINDER KAUR, J.

APRIL 09, 2024

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