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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2317/2024**
NISHA JAIN Petitioner

Through: Mr. Aman Rastogi with Petitioner in person.

versus

SHIV KIRPA SILK MILLS THROUGH ITS PROPRIETOR JIWAN KUMAR JINDAL Respondent

Through: Mr. Rashmi Verma with Ms. Sweta Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **19.05.2025**

CM APPL. 30349/2025(early hearing)

1. The present application has been filed by decree holder who seeks early hearing of the present petition filed by judgment debtor.
2. This Court has gone through the various orders passed during the pendency of the present petition and it is noticed that *vide* order dated 16.04.2024, the execution was directed to be stayed.
3. The facts are little unusual in the present matter.
4. According to judgment debtor, the claim had been lodged against the proprietary concern of her deceased husband and during the pendency of the claim proceedings, when her husband died, she was impleaded without, there being any proper notice with respect to her impleadment. Though, she appeared before the learned Arbitrator, it was, merely, for a limited purpose to apprise the learned Arbitrator about the factum of death of her husband. She also apprised that her husband was doing proprietary business and was,

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merely, stitching the shirts as a sole proprietor and, therefore, she could not have been, even otherwise, impleaded in his place after his death.

5. Keeping in mind the Board position, it is not possible to pre-pone the date of hearing. However, the application stands disposed of with the direction that on the date fixed i.e. 22.09.2025, the matter be shown at the top of the Advance Board.

6. Both the sides shall come prepared for addressing final arguments and would be at liberty to file brief written synopsis, not exceeding three pages, after mutually exchanging the same between them.

7. Both the parties would also apprise on the next date of hearing that whether there is a chance of amicable settlement or not.

8. Learned counsel for decree holder informs that on the basis of the statement made by the judgment debtor before the Executing Court, her dwelling unit/house was attached. It is, however, to be seen whether such attachment is permissible in terms of Section 60 (1) (c) of Civil Procedure Code or not.

9. The present application stands disposed of in aforesaid terms.

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10. List on the date fixed i.e. 22.09.2025.

11. Interim order to continue till next date on same terms.

12. Be shown at the top of the Board.

MANOJ JAIN, J

MAY 19, 2025/sw/SS

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