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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
EX.P. 43/2019

RAJEEV KUMAR BATRA

..... Decree Holder

Through: Mr. Rishabh Bansal and Ms. Jyoti Singh, Advs.

Versus

KEWAL KRISHAN KUMAR

..... Judgement Debtor

Through: Mr. Narendera M. Sharma, Mr. Siddhartha Jain and Mr. Abhishek Sharma, Advs.

Mr. Ankur Sood, Ms. Romila Mandal and Mr. Ankush Bhardwaj, Advs. for Objectors.

Ms. Bandana Singh, Adv. for Vijaya Bank.

AND

+ EX.P. 44/2019

SAMEER BHUTANI

..... Decree Holder

Through: Mr. Rishabh Bansal and Ms. Jyoti Singh, Advs.

Versus

KEWAL KRISHAN KUMAR

..... Judgement Debtor

Through: Mr. Narendera M. Sharma, Mr. Siddhartha Jain and Mr. Abhishek Sharma, Advs.

Mr. Ankur Sood, Ms. Romila Mandal and Mr. Ankush Bhardwaj, Advs. for Objectors.

Ms. Bandana Singh, Adv. for Vijaya Bank.

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CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.08.2019

EAs No.226/2019 & 227/2019 in EX.P. No.43/2019 & EAs No.228/2019 & 229/2019 in EX.P. No.44/2019 (all for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

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3. Mr. Ankur Sood, Advocate appearing for Divyarth, Mohan Lal, Tarun Kumar, Ritu Kumar and Parul Sharma states that he has filed applications for release of property No.WZ-123, C-1, 3rd Floor, Tihar Village, New Delhi-110018 and property No.E-202, Ramesh Nagar, New Delhi-110015 from attachment.
4. The counsel for the decree holders (DHs) states that the DHs are agreeable to removal of attachment with respect to property No.WZ-123, C-1, 3rd Floor, Tihar Village, New Delhi-110018 but would like to file reply to the application insofar as property No.E-202, Ramesh Nagar, New Delhi-110015 is concerned.
5. The applications have not come up before this Court.
6. However, on concession of the counsel for the DHs, the order dated 10th May, 2019 insofar as of attachment of property No.WZ-123, C-1, 3rd Floor, Tihar Village, New Delhi-110018, is recalled.
7. The counsel for the judgment debtor (JD) states that property No.15/61, West Punjabi Bagh (West), New Delhi-110026 was mortgaged with the State Bank of India which has in exercise of powers under the

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Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act) taken over the said property in November, 2017.

8. The counsel for the DHs states he has no instructions.

9. The counsel for the DHs states that on making enquiry, it was learnt that there is only a sum of Rs.25,000/- in the bank accounts qua which also attachment was ordered to be issued.

10. The counsel for Vijaya Bank states that in the account with the Vijay Bank of the JD which was attached, only Rs.12,700/- odd was lying and an affidavit in this regard will be filed.

11. The counsel for the JD states that he will file before this Court an affidavit of assets of the JD.

12. The said affidavit to also give particulars of, (i) the vocation of the JD; (ii) the family members of the JD; (iii) the income of the family, otherwise than through the JD; (iv) the residence of the JD; (v) the bills of electricity for the last eighteen months with respect to the said residence; (vi) any other particulars to show as to how the family expenses of the JD are being made.

13. The affidavit be filed within four weeks, as sought.

14. The JD to remain present in the Court on the next date of hearing.

15. List on 16th October, 2019.

RAJIV SAHAI ENDLAW, J.

AUGUST 01, 2019

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