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

+ EX.P. 44/2019 & EX.APPL.367/2019

13 SAMEER BHUTANI Decree Holder
Through: Mr. Abhijat, Mr. Rishabh Bansal and
Ms. Himanshu Malhotra, Advocates.
versus

KEWAL KRISHAN KUMAR Judgment Debtor
Through: Mr. Siddhatha Jain, Advocate.

+ EX.P. 43/2019 & EX.APPLs.363/2019 & 332/2019

40 SAMEER BHUTANI Decree Holder
Through: Mr. Abhijat, Mr. Rishabh Bansal and
Ms. Himanshu Malhotra, Advocates.
versus

KEWAL KRISHAN KUMAR Judgment Debtor
Through: Mr. Siddhatha Jain, Advocate.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
15.03.2021

1. Learned counsel for the decree holder submits that the judgment debtor be directed to file the affidavits in terms of *M/s Bhandari Engineers & Builders Pvt. Ltd. v. M/s Maharia Raj Joint Venture*, 2020 (270) DLT 582.
2. The judgment debtor is directed to file the affidavit of his assets on the date of cause of action, date of the award as well as today in Form 16A,



Appendix E under Order XXI Rule 41(2) of the Code of Civil Procedure within 30 days.

3. The judgment debtor is further directed to file an additional affidavit in the format of *Annexure A1* to the judgment of ***M/s Bhandari Engineers & Builders Pvt. Ltd. v. M/s Maharia Raj Joint Venture***, 2020 (270) DLT 582. In case of a company/companies of which the judgment debtor is Director, the additional affidavit in the format *Annexure B1* in respect of each of those companies be filed in terms of the principles laid down in ***M/s Bhandari Engineers & Builders Pvt. Ltd.*** (supra), 2020 (270) DLT 582 along with the documents mentioned therein within 30 days.
4. The decree holder has filed the interrogatories and is seeking production of documents from the judgment debtor. Let the reply to the interrogatories and the documents be produced on affidavit within a period of 30 days.
5. All the assets of judgment debtor are hereby attached. The judgment debtor shall not transfer, alienate or create third party interest in respect of his assets except in the ordinary course of business such as payment of salary and statutory dues.
6. The judgment debtor shall not discharge any liability without the permission of this Court except the liability in respect of bank/financial institutions till the next date of hearing.
7. Learned counsel for the judgment debtor submits that the judgment debtor is in judicial custody in Karnal Jail and the family member(s) of the judgment debtor be permitted to approach the concerned authorities/bank/financial institutions to provide the relevant details necessary for compliance of this order and the Jail Authorities at Karnal be



directed to permit the family member(s) of the judgment debtor to show those documents to the judgment debtor for timely compliance of the order of this Court.

8. The concerned authorities/bank/financial institutions shall provide the necessary relevant details to the family member(s) of the judgment debtor. The Jail Superintendent of Karnal Jail shall permit the judgment debtor to meet his family members to take instructions for drafting/signing of the affidavits in terms of the order passed today.

9. List for reporting compliance on 27th May, 2021.

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

J.R. MIDHA, J.

MARCH 15, 2021
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