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

+ EX.P. 17/2016

VIVAN SOMDUTT & ANR

..... Decree Holders

Through: Mr. Jayant K. Mehta with
Ms. Devahuti Pathak & Ms. Drishti
Harpalani, Advs.
Ms. Divya Bhalla & Mr. Abhishek
Chauhan, Advs.

Versus

ARJUN SOMDUTT & ANR.

..... Judgement Debtors

Through: Mr. Sandeep Kumar, Adv. for JD.1
Mr. Dhruv Mohan & Mr. Birender
Bikram, Advs. for JD.3

AND

+ EX.P. 61/2018

KRISHAN KUMAR WADHWA & ORS.

..... Decree Holders

Through:

Versus

ARJUN SOM DUTT & ORS.

..... Judgement Debtors

Through: Ms. Divya Bhalla & Mr. Abhishek
Chauhan, Advs. for JD.2 & 4.
Mr. Dhruv Mohan & Mr. Birender
Bikram, Advs. for JD.3

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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25.02.2020

1. The counsel for the decree holders in EX.P.61/2018 states that the affidavits directed vide order dated 10th October, 2019 to be filed, have not been filed.

2. The counsel for the judgment debtor no. 2 in EX.P.61/2018 has handed over advance copy of the affidavit to the counsel for the decree

holders in EX.P.61/2018 and assures that the affidavit shall be filed today itself. If the affidavit is filed by today, it be taken on record. Else the right to file affidavit shall stand closed and consequences shall follow.

3. The counsel for the judgment debtor no.3 in EX.P.61/2018 Pritha Som Dutt seeks one week's time to file affidavit but no explanation for not filing within the time granted is forthcoming.

4. The judgment debtor no.3 in EX.P.61/2018 Pritha Som Dutt to remain personally present in the Court on the next date of hearing.

5. The counsel who is appearing for the judgment debtor no.2 in EX.P.61/2018 also states that she also appears for judgment debtor no.4 and on behalf of judgment debtor no.4 in EX.P.61/2018 states that judgment debtor no. 4 is willing to deposit in this Court her one-fourth share of the decretal liability in EX.P.61/2018. However, the counsel is unable to tell how much does the one-fourth share translate to.

6. The counsel for the judgment debtor no.4 in EX.P.61/2018 on authority from judgment debtor no.4 undertakes to, within four weeks of today, pay directly to the decree holder no.1, for the benefit of other decree holders also, the said amount and the said undertaking of the judgment debtor no.4 Roop Talwar is accepted and judgment debtor no.4 is ordered to be bound therewith and informed through counsel of consequences of breach of undertaking given to the Court.

7. The decree holders in EX.P.61/2018 may accept the amount so tendered without prejudice to their rights and contentions.

8. The judgment debtor no.4 in EX.P.61/2018 to also, within four weeks of today, file affidavit as directed on 10th October, 2019.

9. The counsel for Arjun Som Dutt though appears in EX.P.17/2016 but states that he does not represent Arjun Som Dutt in EX.P.61/2018. None else appears for Arjun Som Dutt in EX.P.61/2018.

10. Issue bailable warrants in the sum of Rs.25 lakhs for production of Arjun Som Dutt before this Court on 22nd April, 2020.

11. A copy of the warrants be given dasti to the counsel for the decree holder in EX.P.61/2018 for effecting service on the Police Station New Friends Colony within whose jurisdiction, Maharani Bagh, where Arjun Som Dutt resides, is situated.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 25, 2020

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