



\$~7(Appellate)

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

+ CM(M) 1541/2019 & CM APPL.46649/2019

S P SINGH CHANDEL Petitioner

Through: Mr.Sourabh Leekha, Adv.

versus

SHARMILA TOKAS Respondent

Through: Mr.M.L. Shnarma, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **10.10.2022**

1. Learned Counsel for the respondent submits, at the outset, that the present petition is not maintainable as the order dated 2nd August 2019, against which the present petition has been filed, is appealable under the CPC. He submits that the impugned order has been passed under Order XXI Rule 58 of the CPC way of adjudication of objections preferred by him under Order XXVIII Rule 58(1) and that, against such an order, an appeal would lie as if the order were a decree, in lieu of Order XXI Rule 58(4).

2. Learned Counsel for the petitioner submits, *per contra*, that Order XXVIII Rule 58 would not apply, as, by virtue of sub-rule (1) thereof, the provision would apply only in the case of property attached in execution of a decree, and the objections in the present case were filed prior to attachment.



3. Learned Counsel for the respondent seeks a short adjournment to address arguments on this issue.
4. Re-notify on 18th October 2022.

C.HARI SHANKAR, J

OCTOBER 10, 2022/kr