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

\+ EX.P. 161/2014

YOGESH C SAGAR ..... Decree Holder
Through: Mr.Uddyam Mukherjee, Advocate

versus

MODERN NEW KAPOOR JEWELLERS PVT & ANR ..... Judgement Debtor
Through: Mr. Amol Sharma, Advocate for Barclays Bank

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

<u>O R D E R</u>

% 23.02.2017

By order dated 30.11.2016 account of judgment debtor no.1 with Barclays Bank, Nehru Place, New Delhi statedly having a credit balance of Rs.50,50,000/- was attached to the extent it exceeded the amount for which there was a direction by the Debts Recovery Tribunal-III, Delhi (DRT) in some other proceedings for *status quo* to be maintained.

The learned counsel for Barclays Bank has handed over across the bar a copy of the order dated 30.12.2016 of Debts Recovery Tribunal-III, Delhi passed on the file of OA No.461/2011 in the context of IA No.2091/2016 recording satisfaction of the claim of the other creditor of the judgment debtor by release of a sum of Rs.15 lacs from the said account.

The learned counsel for the Bank clarifies that after said release, the directions of DRT, *vis-a-vis* the said bank account of judgment debtor no.1 have been lifted and there is a credit balance lying now to the tune of Rs.35,50,000/- approximately, which is available for the part satisfaction of the decree presently under execution.

The judgment debtor no.1 through its Director Ms. Rama Kapoor is present in person. On being asked, she states her counsel is not available being pre-occupied elsewhere. It is noted that similar was the position even on last date of hearing. It is clear the proceedings are being evaded.

In these circumstances, Barclays Bank is directed to deposit the entire balance lying in the credit of the account of judgment debtor no.1 in the form of interest bearing fixed deposit receipt in the name of the decree-holder, initially for a period of six months with the Registrar General of this court, within a week hereof, along with upto date statement of account, of course, also simultaneously intimating by suitable communication such action to the account holder.

The case shall be listed for further directions for disbursal of the said amount expected to be deposited by the Bank on 25.04.2017.

The judgment debtor has not complied with the directions in the last para of order dated 30.11.2016 regarding supply of the copy of the affidavit. The compliance must be made, without fail, within a week hereof.

In the event the order being complied with in letter and spirit, the presence of Barclays Bank in further proceedings would not be presently required.

Copy of the order be given *Dasti* to the parties under the signature of Court Master.

R.K.GAUBA, J.

FEBRUARY 23, 2017
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