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

+ EX.P. 44/2016 & EAs No.233/2016 (u/O XXI R-64-67&54(2) CPC),
686/2016 (u/S 151 CPC), 332/2017 (u/O XXI R-72(2) CPC),
345/2017 (of Allahabad Bank u/O XXI R-58,59&69 CPC), 397/2017
(u/O XXI R-46&46(A) CPC) & 406/2017 (u/O XXI R-30&41 CPC)

LAKSHMI BUILDERS

..... Decree Holder

Through: Ms. Dolly Sharma, Adv. for Mr.
Vikas Tiwari, Adv.

Versus

DEVINDER LAKRA

..... Judgement Debtor

Through: Mr. Ashok Jain and Mr. Amit Kasera,
Advs. for Objector/Allahabad Bank.
Mr. Azmat H. Amanullah, Adv. for
Vodafone Mobile Services Ltd.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.11.2018

1. The counsel for the decree holder (DH) today also seeks time to file application to bring on record the legal heirs of the DH.
2. Similar request was made on 13th August, 2018.
3. It seems that the legal heirs of the DH are not interested in pursuing the execution.
4. The counsel for the applicant/objector Allahabad Bank in EA No.345/2017 states i) that in this execution of a money decree, four properties of the judgment debtor (JD) have been attached and of which two have been ordered to be sold; ii) that the said properties were subject matter of prior

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mortgage with applicant/objector Allahabad Bank, which had issued notices under Section 13(2) and 13(4) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and is taking steps under Section 14 thereof; and, iii) that at that stage, JD herein has filed SA before the Debt Recovery Tribunal and which is pending consideration.

5. It is made clear that pendency of this execution or any orders herein will not come in the way of applicant/objector Allahabad Bank proceeding with action under the SARFAESI Act.

6. The counsel for the applicant/objector Vodafone Mobile Services Ltd. in EA No.397/2017 also wants to argue but Ms. Dolly Sharma, Advocate appearing for Mr. Vikas Tiwari, Advocate for the deceased DH does not know anything.

7. List on 22nd January, 2019.

8. If appropriate steps are not taken before that date, the execution shall be dismissed for non-prosecution.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 14, 2018

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