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

+ EX.P. 44/2016 & Ex. APPLs. (OS) 233/2016, 332/2017,
345/2017, 1110/2020, 376/2021 & 168/2022

LAKSHMI BUILDERS Decree Holder

Through: Mr. Vikas Tiwari with
Mr. Vidit Agarwal, Advocates.
(M): 8384877576

Email: viditagarwal.advocate@gmail.com

versus

DEVINDER LAKRA Judgement Debtor

Through: Mr. Rakesh Singh, Advocate
for father of the judgment
debtor.

(M): 7597392295

Email: rakesh745892@gmail.com

Mr. Ashok Jain, Advocate.

(M): 9810012586

Email: jainandcoadv@gmail.com

Mr. AK Singh, Advocate for
Indus Towers.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **05.09.2022**

Ex. APPL. (OS) 376/2021 (Application on behalf of decree holder under Order 21 Rule 46, 46-A read with Section 51 & 151 CPC seeking direction against the Garnishee/respondent to start paying the rent of the mobile tower to the decree holder instead of the judgment debtor)

1. This is an application on behalf of the decree holder seeking direction against the garnishee/respondent to start paying the rent of the mobile tower situated at property bearing no. plot no 501-502, out of Khasra no. 339, Village Deedarpur, Nazafgarh to the decree holder.



2. Learned counsel for the Allahabad Bank appears and submits that he does not have copy of the present application. He further submits that this property bearing no. plot no 501-502, out of Khasra no. 339, Village Deedarpur, Nazafgarh, where the tower of the mobile company is situated, is mortgaged with the Allahabad Bank and that the Allahabad Bank has already initiated action for securitisation of the amounts payable to the bank.

3. Let the decree holder supply copy of the present application to the counsel for the Allahabad Bank.

4. Reply be filed within three weeks. Rejoinder thereto, if any, be filed within one week thereafter.

Ex. APPL. (OS) 1110/2020 (Application under Order XXI Rule 58, 59 & 69 read with Section 151 CPC on behalf of Kewal Singh Lakra father of Devinder Lakra as an objector and for setting aside/stay the issue of draft proclamation of sale in Ex. P 44/2016 of plot no. 663, Khasra No. 370, admeasuring 125 sq yds Lal Dora certified property)

5. This is an application under Order XXI Rule 58, 59 and 69 read with Section 151 CPC on behalf of Mr. Kewal Singh Lakra father of Mr. Devinder Lakra, the judgment debtor.

6. Learned counsel appearing for father of the judgment debtor Mr. Rakesh Singh, Advocate states that the property bearing no. plot no. 663, Khasra No. 370, Mundka, New Delhi does not belong to the judgment debtor and that it belongs to the father of the judgment debtor i.e. Mr. Kewal Singh Lakra.

7. Thus, by order dated 11.02.2022, this Court had directed the counsel for the judgment debtor to file requisite documents with



respect to the aforesaid property in order to satisfy as regards the title of the aforesaid property.

8. It is pointed out by learned counsel for father of the judgment debtor that the judgment debtor has still not complied with the order dated 11.02.2022.

9. Let requisite documents as regards property bearing no. plot no. 663, Khasra No. 370, Mundka, New Delhi be filed by the judgment debtor in order to satisfy this Court as regards the title of the aforesaid property.

EX.P. 44/2016

10. It is seen that none has been appearing for the judgment debtor Mr. Devinder Lakra, since he is stated to be lodged in Bhunshi Jail, Gurugram, Haryana since the year 2019.

11. The Chairman of Delhi State Legal Services Authority is requested to contact the judgment debtor Mr. Devinder Lakra and make provision for appointment of an advocate to represent the judgment debtor Mr. Devinder Lakra in the present proceedings.

12. Copy of this order be sent to the Chairman, Delhi State Legal Services Authority.

13. Learned counsel for Allahabad Bank submits that the debts of Allahabad Bank are now with Encore Asset Reconstruction Company Private Limited. Thus, Mr. Ashok Jain, Advocate submits that he is now appearing for Encore Asset Reconstruction Company Private Limited, which has now the debts of the Allahabad Bank.



13. Re-notify the matter on 17.11.2022.

MINI PUSHKARNA, J

SEPTEMBER 5, 2022

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