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

+ EX.P. 29/2018 & Ex. APPL. (OS) 122/2018 & 154/2021

M/S. CANBANK FINANCIAL SERVICES
LTD.

..... Decree Holder

Through: Mr. Aayush Agarwala,
Mr. Siddnam Nahata and
Ms. Bhumika Sharma,
Advocates (Ph.9999105064, e-
mail: aayush@pba.net.in).

versus

GITANJALI MOTORS LTD. & ORS Judgement Debtors

Through: Mrs. Gurkamal Hora Arora and
Mr. Nalin Dhingra, Advocates
for JD-5 (Ph.8588841053,
e-mail: gurkamal.hora@intellectlp.com).

Mr. Shohit Chaudhary,
Advocate for JD -6
(Ph. 9999091964)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

06.10.2022

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1. This Court has seen the affidavit filed on behalf of the judgment debtor No. 5 dated 17.03.2020. As per the affidavit, it is submitted that the only source of income of judgment debtor No. 5 is through his pension to the tune of Rs.1,21,900/- per month along with his Gallantry Award Monetary Allowance i.e. Rs.8000/- per month and that he has no other source of income.

2. It is further submitted in the affidavit that judgment debtor No.5 holds no property movable or immovable in his name.



3. On query from the Court, as to whether judgment debtor No. 5 was staying in a rented accommodation, it is submitted that he is staying along with his wife in property bearing No. K-1568, Palam Vihar, Gurugram, Haryana. He submits that the suit property is owned by his son and his wife. However, learned counsel is not able to divulge any other information with respect to the said property in which judgment debtor No. 5 is residing with his wife.
4. It is informed that son of judgment debtor No. 5 is settled abroad.
5. It is informed that present proceedings emanate from a suit that was instituted in 1992. In the facts and circumstances, it is deemed expedient that information in the form of an affidavit, ought to be filed by judgment debtor No. 5 with respect to the property where he resides. The affidavit shall also state the information as to the source of income through which the said property was purchased and the details of the bank accounts through which the payments were made for purchase of the said property. Judgment debtor No. 5 is also directed to file the Sale Deed of property bearing No. i.e. K-1568, Palam Vihar, Gurugram, Haryana.
6. Let the aforesaid affidavit be filed on behalf of the judgment debtor No. 5 within a period of four weeks.
7. Decree holder is at liberty to file a response, if any, to the affidavit to be filed on behalf of the judgment debtor No. 5.
8. Mr. Shohit Chaudhary, Advocate appearing for judgment debtor No. 6 submits that he has recently been engaged in the present matter.



He submits that the previous counsel has unfortunately expired. He submits that he has already filed his vakalatnama.

9. As per the learned counsel for the judgment debtor No. 6, Affidavit of Assets has already been filed on behalf of judgment debtor No. 6. However, he submits that there are certain documents with respect to the criminal proceedings as well as proceedings in Section 138 of the Negotiable Instrument Act, which he would like to file before this Court after discussion with his client. Liberty is granted to file the requisite documents before this Court.

10. It is also pointed out by learned counsel for the decree holder that against the judgment and decree dated 15.12.2017 passed in the present case, two appeals being RFA(OS) No. 53/2018 filed by judgment debtor No. 5 and RFA(OS) No.76/2018 filed by judgment debtor No. 6 are pending before Division Bench of this Court and the same are now listed on 20.01.2023.

11. In view thereof, list on 01.02.2023.

MINI PUSHKARNA, J

OCTOBER 6, 2022

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