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

+ EX.P. 29/2018, EA No.122/2018(u/O.XXI R-41 CPC)

CANBANK FINANCIAL SERVICES LTD. Decree Holder
Through: Mr. Anuj P. Agarwala, Adv.

versus

GITANJALI MOTORS LTD. & ORS Judgement Debtors
Through: Ms. Gurkamal Hora Arora &
Mr. Vaijayant Khanna, Advs. for D-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **30.01.2020**

1. The counsel for the decree holder states that vide order dated 9th January, 2020 in RFA (OS) No.53/2018 and RFA (OS) No.76/2018, the judgment debtor no. 6 Pramod Gulati was directed to appear before this Court today.
2. None appears for judgment debtor no.6.
3. The order dated 9th January, 2020 aforesaid records the presence of Mr. Ashish Agarwal, Advocate for the defendant no.6 Pramod Gulati before the Division Bench. Mr. Ashish Agarwal, Advocate is appearing for judgment debtor no. 5 Col (Retd) K.S. Malik in this proceeding. However, Ms. Gurkamal Hora Arora partner of Mr. Ashish Agarwal, Advocate states that the presence of Mr. Ashish Agarwal, Advocate has been wrongly recorded for Pramod Gulati/appellant in RFA (OS) 76/2018 and she and Mr. Ashish Agarwal are appearing only for appellant in RFA (OS) 53/2018 who is the judgment debtor no. 5 herein.

4. The counsel for the decree holder, on enquiry of the next step required to be taken in the execution petition, states that the personal appearance of the judgment debtor no. 6 Pramod Gulati be compelled.
5. However the same would not serve any purpose.
6. It is the decree holder who has to inform the Court the mode in which execution is sought and if the decree holder is not able to tell, the execution proceedings have to be closed.
7. Though earlier opportunities have been given to the decree holder to take concrete steps for execution of the decree but it is found that counsel even today is merely asking for the judgment debtors to be proceeded with, without the decree holder performing its duty of finding out about the affairs of the judgment debtors and suggesting mode of execution of the decree.
8. The decree holder, a public financial institution, cannot be so permitted to waste public monies and time in pursuing proceedings without undertaking any legwork therefor.
9. The Senior Officer of the decree holder in a position to take a call on the matter, to appear before this Court on 13th February, 2020.
10. Defendant no.5 and his wife to also remain present in the court on the next date of hearing.

RAJIV SAHAI ENDLAW, J

JANUARY 30, 2020
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