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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P.(EFA)(COMM.) 6/2016  
DAIICHI SANKYO COMPANY, LIMITED ..... Decree Holder  
Through Mr. Amit Kumr Mishra, Ms. Kanika  
Singhal, Mr. Shivam Pandey & Ms.  
Samridhi Mota, Advs.

Versus

MALVINDER MOHAN SINGH AND ORS. .... Judgement Debtor  
Through Ms. Suman Yadav & Mr. Aditya  
Sarin, Advs. for JD-1,3,4&13  
Mr. Varun Mishra, Adv. for JD  
No.14,15,18&19  
Mr. Sujoy Kumar & Mr. Raghav  
Kumar, Advs. for R-23&24 &  
Garnishee No.43&44  
Mr. Sumit K. Batra, Adv. for  
Garnishee no.3  
Mr. Pranjit Bhattacharya, Adv. for  
Garnishees no.4,5,17,35,36&54  
Mr. Pranay Kishore Mishra, Adv. for  
Garnishee no.7  
Mr. Manish Khurana, Adv. for  
Garnishee no.9  
Mr. Rohan Swarup, Adv. for  
Garnishee no.11  
Ms. Ferida S. Chopra, Mr. Aashish  
Gupta & Mr. Varun Byreddy, Advs.  
for Garnishee no.12,13,14 &32  
Mr. Kunal Yograj Vermam, Adv. for  
Garnishee no.22  
Mr. Akhairaj Singh, Adv. for  
Garnishee no.23,45,46&49  
Ms. Archana Lakhotia & Ms. Rashi  
Maheshwari, Advs. for Garnishee  
no.27&28

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Ms. Tarini Bhargava, Adv. for  
Garnishee no.30&34

Mr. Anandh Venkataramani, Adv. for  
Garnishee no.47

Mr. Mihir Saraswat, Adv. for  
Garnishee no.50

Mr. Abhishek Chauhan, Adv. for  
Garnishee no.51

Mr. Saleem Hasan & Mr. Rohit  
Dahiya, Advs. for Garnishee no.52

Ms. Ekta Sikri & Ms. K. Gayatri,  
Advs. for Garnishee no.56

**CORAM:**

**SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

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**07.02.2020**

**EA No.156/2020, 168/2020, 152/2020 & 157/2020 u/S 30 CPC r/w  
Order XI R 1 to 11, 21 & 22 CPC**

The captioned EA have been filed for Garnishee no.23, 45, 46  
& 49 respectively qua whom moratorium u/S 14 of Insolvency and  
Bankruptcy Code, 2016 has been imposed.

Learned counsel for decree holder submits that he will take  
necessary instructions and apprise qua these EAs on the next date.

**EA No.158/2020, 163/2020, 154/2020, 160/2020,167/2020,  
162/2020, 161/2020, 166/2020, 153/2020, 169/2020, 151/2020,  
165/2020 & 170/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22  
CPC**

The captioned EA have been filed for Garnishee  
no.3,7,9,12,13,14,20,22,27,28,30,43,44,47, 51 & 52 respectively. IA  
No.160/2020 has been filed in respect of garnishee no.12,13,14&20.

Learned counsel for said garnishees are present and accept

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notice of the captioned EA. At request, reply, if any, be filed within three working days with copy to opposite side.

Re-notify for completion of pleadings and consideration on the aforesaid EAs on next date.

**EA No.155/2020, 164/2020 & 159/2020 u/S 30 CPC r/w Order XI R 1 to 11, 21 & 22 CPC**

The captioned EA have been filed for Garnishee no.16, 31&37 respectively for whom there is no representation today.

Issue notice of the captioned EA to garnishee no.16,31&37 through counsel *dasti* on taking steps by the plaintiff, returnable for next date.

In the event vakalatnama for said garnishees has not been filed, notice be issued to the said garnishees through all permissible modes including electronic mode on taking steps by the plaintiff for next date.

Re-notify for completion of service on the aforesaid EAs on next date.

**O.M.P.(EFA)(COMM.) 6/2016**

M/s Blue Line Finance Pvt. Ltd. is mentioned as garnishee no.6&8.

There is no representation on behalf of Garnishee nos.1,2,6,10, 15,18,19,21,24,25,26,29,31,33,37,38,39 to 42,48,53 &55.

At request, garnishee no.16 to comply with the directions of the Hon'ble Court vide order dated 14.11.2019 within three working days.

It is stated that garnishee no.4,5,17,23,35,36,45,46,49 &54 have

complied with order dated 11.10.2019 and 14.11.2019.

It is stated on behalf of garnishee no.7 that said garnishee is not disputing the liability or the amount payable but is only asserting that time for payment has not yet come. It is stated by the decree holder that decree holder will examine the documents submitted by garnishee no.7 and will apprise the same on next date.

It is stated by learned counsel for garnishee no.3,9,22&30 that order dated 14.11.2019 will be complied within three working days.

It is stated by learned counsel for garnishee no.11&34 that order dated 11.10.2019 & 14.11.2019 will be complied with within three working days.

It is stated by learned counsel for garnishee no.12,13,14&20 that said garnishees have moved before the Hon'ble Court for exemption from filing of ITRs. It is stated that the bank statements for garnishee no.13&14 have been filed alongwith the requisite documents. It is submitted that learned counsel for the said garnishees will inspect the file and will file requisite documents, if exemption from filing of same is not sought, within three working days with copy to opposite side.

It is stated on behalf of garnishee no.27 that direction vide order dated 11.10.2019 & 14.11.2019 have been complied with and requisite documents have been supplied to the decree holder also. Learned counsel for decree holder submits that documents in compliance of directions vide order dated 14.11.2019 have not been

received. Without going into the controversy, fresh copy of documents in compliance of order dated 14.11.2019 be supplied to decree holder and judgment debtor within two working days against due acknowledgment. Learned counsel for garnishee no.27 to also check up with the registry and get the said documents placed on record.

It is stated on behalf of garnishee no.28 that said garnishee has complied with order dated 11.10.2019 and there are no transactions between the judgment debtor and said garnishee. Learned proxy counsel for judgment debtor no.19 submits that the requisite documents on basis of which debt is claimed will be supplied to learned counsel for garnishee no.28 within two days against due acknowledgement. Let needful be done as stated. Let order dated 14.11.2019 be complied by garnishee no.28 within three working days thereafter.

It is stated that garnishee no.32 has expired and her LR is already on record as garnishee no.12.

It is submitted on behalf of decree holder that garnishee no.43&44 have not complied with the directions of the Hon'ble Court vide order dated 11.10.2019 and 14.11.2019. *Per contra*, learned counsel for the said garnishee submits that he does not fall within the ambit of garnishees so as to be liable to furnish documents, in terms of para no.12 of order dated 14.11.2019, however, if any, deficiencies are pointed out in response to the said affidavit dated 04.02.2020, the

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said garnishees reserved liberty to respond to the same. Learned counsel for decree holder that said garnishees have not complied with either order and have admitted liability of only a portion of the amount asserted by the judgment debtor to be with said garnishees and that no necessary documents in respect of the admitted or disputed liability have been placed on record till date.

Learned counsel for decree holder reserves his rights to make submission in this regard at the appropriate stage. In this context, it is observed that the report of the undersigned has to take into account the documents, if any, filed by the garnishees as well and the same has been pointed out to learned counsel for garnishee no.43&44.

It is stated on behalf of decree holder that garnishee no.47 has not complied with order dated 14.11.2019, to which learned counsel for garnishee no.47 submits that in question was owed to a company, which is not the judgment debtor in the present case and that the debt even otherwise is time barred. Learned counsel for decree holder again submits that no requisite documents have been filed by said garnishee till date. Learned counsel for said garnishee submits that he will file appropriate affidavit in this regard within three working days with copy to opposite side.

It is stated on behalf of garnishee no.50 that said garnishee is a senior citizen and is not filing any ITR or maintaining any balance-sheet. It is stated that an appropriate affidavit in this regard will be filed within three working days with copy to opposite side.

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It is stated on behalf of garnishee no.51&52 that said garnishees have already repaid the amount and the same has been confirmed by learned counsel for judgment debtor no.17&14 respectively. It is stated on behalf of decree holder that decree holder will take instructions qua garnishee no.51&52.

It is asserted on behalf of garnishee no.56 that amount has been repaid. However, there is no representation on behalf of judgment debtor no.6,16&17. The said JDs are directed to file requisite documents within three working days.

Garnishee no.56 is also directed to file the requisite documents within three working days with copy to opposite side.

It is pointed out on behalf of decree holder that judgment debtors have not filed their responses in terms of directions of the Hon'ble Court. Learned counsel for judgment debtor no.1,3&4 and proxy for judgment debtor no.14,15,18&19 submits that needful will be done within six working days. Let needful be done as stated with copy to opposite side. remaining JDs are also directed to file their responses in terms of directions of the Hon'ble Court in terms of para no.7 of order dated 14.11.2019 within the same timeline with copy to opposite side.

Let affidavits in terms of directions of the Hon'ble Court vide para no.4 of order dated 11.10.2019 be filed by garnishees nos.2,6,10,15,21,24,26,31,33,37&38 not present today within three days, if not already filed with copies to the DH as well as JD

no.1,6,14&19. The affidavits by JD no.1,6,14&19 in terms of directions of the Hon'ble Court vide para no.5 of order dated 11.10.2019 be filed within three working days thereafter with copy to the respective garnishees. The response to affidavit of JD no.1,6,14&19 as well as DH be filed by the said garnishees in terms of directions in para no.6 of order dated 11.10.2019 within two days of receipt of advance copy of the response of JDs as well as DH.

The income tax returns, bank statements and balance-sheet, if not already filed, be filed by garnishees disputing their liability in terms of directions of the Hon'ble Court vide order dated 14.11.2019 within three working days with copies to the JD no.1,6,14&19 as well as DH.

Let ITRs, bank statement and balance-sheets for the relevant periods, in terms of direction of the Hon'ble Court vide order dated 14.11.2019 by JDs be filed within three working days, if not filed earlier with copies to the respective garnishees as well as DH.

As per office note, steps have not been taken by the decree holder for substituted service of garnishees no.1,18,19,25,29,39,40, 41,42,48,53&55. It is stated by learned counsel for the decree holder that he will take steps within two working days. Let needful be done as stated and said garnishees be served through substituted service in terms of order dated 07.01.2020 on taking of steps by the decree holder. At request, the process be given *dasti*.

Re-notify the matter for completion of service of garnishees

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mentioned above and for compliance of directions of the Hon'ble Court on 19.02.2020.

**SHARAD GUPTA (DHJS)  
JOINT REGISTRAR (JUDICIAL)**

**FEBRUARY 07, 2020/ab**

***[Click here to check corrigendum](#)***