via video conferencing

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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. Arvind K. Nigam, Sr.Adv. Mr.Arun Kathpalia, Sr. Adv. with Mr.Amit K. Mishra, Mr. Mohit Singh, Ms. Samridhi Hota, Ms. Kanika Singhal, Mr. Shivam Pandey, Mr. Turab Ali Kazmi, Ms. Saloni Agarwal, Mr. Kunal Chatterji, Mr. Rohan Jaitley and Mr. Aditya Shankar, Advs.

versus

MALVINDER MOHAN SINGH AND ORS..... Judgement Debtors

Through: Mr. Dhruv Mehta, Sr. Adv, Mr. Anuj Berry, Mr. Abhik Chakraborty, Mr. Shikhar Mehra, Mr. Keith Varghese, Advs for Yes Bank Limited.

Mr.Sanjay Jain Senior Adv. with Mr.Salaam Hasan, Adv. with Mr. Abhijit Mittal, Adv. for SLR Ltd.

Mr. Aditya Dewan, Adv. for JD6 to JD8.

Ms. Suman Yadav, Mr. Aditya Sarin Adv., Mr. Shobhit Ahuja Adv for JD 1, 3, 4 & 13.

Mr. Akhil Sibal, Snr. Adv. along with Mr. Varun Mishra, Adv. for JD-14, 15,18 & 19.

Mr. Atul Sharma with Mr. Sugam Seth, Advs for ECL Finance Limited.

Ms. Roopali Singh, Ms. Sayobani Basu and Ms. Durga Manda, Advs for JD-25.

Mr. Tarang Gupta and Ms. Ritambhara Narang, Advocate for Garnishees- RWL Healthworld Limited and Ligare Aviation Limited.

Ms.Lucky Palta, Adv for Garnishee No.55.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

O R D E R

% **25.08.2020**

E.A.809/2020

1. This is an application filed by the decree holder (DH) praying for a direction to the learned Joint Registrar to examine the liabilities of the 18 garnishees referred to in paragraph 5 of the application who, according to the DH, owe huge amounts to the judgment debtors (JDs). Learned senior counsel for the DH submits that the learned Joint Registrar has already been directed by this Court vide its order dated 14.11.2019 to furnish a report regarding the similarly placed 56 garnishees.

2. None of the JDs have any objection to the application.

3. Accordingly, the matter is directed to be placed before the learned Joint Registrar, who shall then furnish a report in respect of the garnishees referred to in paragraph 5 of the application. The said report be furnished within a period of 12 weeks in the format as specified in the order dated 14.11.2019. It will be open for the garnishees and the JDs to file their responses within four weeks and also to appear before the learned Joint Registrar and submit their response thereto, if any.

4. The application stands disposed of.

E.A.816/2020

5. This is an application seeking condonation of 8 days' delay in filing the accompanying application under order XXI Rule 58 of the Code of Civil Procedure, 1908, whereby the applicant has filed an application against the execution petition.

6. Issue notice. None of the parties have any objection to the prayer for condonation of delay.

7. Accordingly, the application is allowed and the accompanying application is taken up for consideration.

E.A.815/2020

8. This is an application filed by M/s Fortis Hospitals Limited, which claims to be a 100% owned subsidiary of M/s Fortis Healthcare Limited seeking *inter alia* to place on record objections to the applications filed by M/s Yes Bank Limited.

9. By way of the present application, the applicant seeks to file objections to the application filed by M/s Yes Bank Limited being E.A.625/2020.

10. Though a prayer for impleadment of M/s Fortis Hospitals Limited is also sought, Mr. Sanjay Jain, learned senior counsel for the applicant submits, on instructions, that he does not wish to press the prayer for impleadment.

11. Issue notice. Mr.Amit Mishra accepts notice for the DH and Mr.Anuj Berry accepts notice for Yes Bank Limited. They pray for and are granted one week's time to file their reply. Rejoinder thereto, if any, be filed within next three days.

12. List the application for consideration along with I.A.9262/2018, E.A.14553/2018, E.A.31/2020, E.A.590/2020, E.A.625/2020, E.A.668/2020, E.A.815/2020 on 11.09.2020.

E.A.819/2020

13. This is an application filed by the DH seeking reliefs against various banks, including Yes Bank Limited. Learned counsel for the

DH submits that the prayers sought in the present application are a fallout of the decision of the Hon'ble Supreme Court in Contempt Petition (Civil) 2120/2018.

14. Issue notice. Learned counsel for the JD nos.1,3,4,6,7,8,13,14,15,18,19 & 25 accept notice.

15. Upon the DH filing process fee along with the complete e-mail addresses of the 17 banks, in respect of whom directions have been sought, issue notice to the remaining JDs and the following 17 banks through electronic means, returnable on 15.10.2020:

1. Yes Bank Limited
2. ECL Finance Limited
3. Axis Bank Limited
4. RBL Bank Limited
5. Credit Suisse Finance (India) Private Limited
6. Ambit Finvest Private Limited
7. Birla Sunlife
8. Indiabulls Housing Finance Limited
9. First Gulf
10. HDFC Limited
11. Family Credit Limited
12. DCB Limited
13. Citicorp Finance Limited
14. Julius Baer Capital India Private Limited
15. Aditya Birla Finance Limited
16. Kotak Mahindra Investments Limited
17. Lakshmi Vilas Bank Limited

16. Reply, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

17. Keeping in view that the matter is being heard through video conferencing, learned counsel for the DH will ensure that a separate

folder containing pleadings in respect of these applications is filed before the next date or sent to the learned Court Master at least two days before the next date. It is however made clear that hearing in the aforesaid seven applications, especially in E.A.668/2020, will not be deferred in case pleadings are not completed by any party. It will also be open for the parties to obtain a copy of the PDF Court file from the Registry, as per rules, after paying the requisite charges.

REKHA PALLI, J

AUGUST 25, 2020/*sr*