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IN THE HIGH COURT OF DELHI AT NEW DELHI

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

DAIICHI SANKYO COMPANY, LIMITED Decree Holder
Through Mr. Amit K. Mishra, Mr. Mohit Singh,
Ms. Smridhi Hota, Ms. Kanika Singhal,
Mr. Shivam Panday, Mr. Turab Ali
Kazmi, Ms. Saloni Agarwal, Mr.
Kunal Chatterji, Mr. Aditya Shankar
& Mr. Rohan Jaitley, Advs.

Versus

MALVINDER MOHAN SINGH AND ORS. Judgement Debtor
Through Mr. Aditya Dewan & Mr. Siddharth
Chechani, Advs. For JD no.6 to 8
Ms. Suman Yadav, Adv. for JD-
1,3,4&13 and proxy for JD no14,
15,18 and 19.
Ms. Udit Singh, Adv. For JD
no.16&17
Mr. Pranay Kishore Mishra & Mr.
Rohit Bohra, Advs. For Garnishee
no.7
Mr. Lakshay Laroia & Mr. Tajveer
Bhatia, Adv. For Garnishee no.11
Mr. Ritesh Khatri, Adv. For Garnishee
no.18
Ms. Archana Lakhotia, Adv. For
Garnishee no.27&28
Mr. Saleem Hasan, Adv. For Garnishee
no.52
Ms. Ekta Sikri & Ms. K. Gayatri, Advs.
For Garnishee no.56
Mr. Tarang Gupta & Ms. Ritambhara
Narang, Advs. For Mr. Mukesh Arora
Ex. Director of Garnishee no.39&40
Mr. Pratyush Miglani, Mr. Nikhil
Verma & Ms. Smriti Varma, Advs. For
Garnishee i.e. Ramchem Pvt. Ltd.

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **01.09.2020**

The matter has been taken up through video conferencing in terms of directions vide Circular no.418/RG/DHC/2020 dated 27.08.2020.

OMP (EFA) (COMM.) 6/2016

The matter is listed before the undersigned in terms of directions of the Hon'ble Court vide order dated 14.11.2019 for preparing report in respect of one lot of 56 Garnishees and further, for preparing report in respect of another lot of 18 garnishees vide order dated 25.08.2020.

The 18 garnishees mentioned in EA no 809/2020, alongwith the DH and JDs have been granted time by the Hon'ble Court vide order dated 25.08.2020 for completion of pleadings. Accordingly, parties are at liberty to file their response/reply/rejoinder, if any, within the time as granted by the Hon'ble Court with copies of the pleadings, affidavits and documents to be exchanged.

As regards the first lot of 56 garnishees, it is stated by Ms. Suman Yadav, Adv. for JD-1,3,4&13 and proxy for JD no14, 15,18 and 19 that she has received copy of affidavit filed by garnishee no.11 only. Today there is no appearance on behalf of many of the garnishees.

Learned counsel for decree holder is at liberty to supply copy of affidavits filed by Garnishee in terms of previous order to learned counsel for JDs during the course of two days. JDs are at liberty to file reply within five days with copy to concerned garnishees as well as DH, who may file response, if any, within **two days** thereafter, with copy to

opposite side.

Furthermore, since the time before the undersigned is short, the learned counsel for the JDs is also at liberty to obtain PDF soft copy of the record as per rules and to file reply/response within the timeline indicated above.

It is stated that response of the DH qua garnishee no.12,13,14 and 20 has been received by counsel for JD-1,3,4&13 and proxy for JD no14, 15,18 and 19. Accordingly and at request, response of the said JDs to the same be filed within five days with copy to opposite side.

It is stated by garnishee no.18 that documents have been received by said garnishee. However some more time is required for finalisation of affidavit/reply. Let affidavit/reply, in terms of directions of the Hon'ble Court vide order dated 11.10.2019 & 14.11.2019 be filed within one week with copy to decree holder as well as concerned JD, who are at liberty to file response thereto within five days on receipt of copy of said reply.

It is stated by learned counsel for JD that the name of proposed garnishee no.24 is Prime Trust and the address of said entity is correctly mentioned in the memo of parties.

Learned counsel for decree holder submits that an appropriate application in respect of garnishee no.32, who has expired will be filed during the course of day. Let needful be done as stated with copy to garnishee no.12, who is stated to be legal heir of garnishee no.32.

It is stated by learned counsel for garnishee no.28 that requisite documents have been received and that additional affidavit will be filed within five days. Let needful be done as stated with copy to decree

holder as well as concerned judgement debtor, who are at liberty to file response thereto within five days on receipt of said affidavit with copy to opposite side.

As regards garnishee no.39& 40, it is again pointed out that Mr. Mukesh Arora, Ex. Director of garnishee no.39&40 has resigned on 18.04.2018. It is stated that the other director Ms. Bela Rajput is also no longer a director of the said company. Learned counsel for decree holder submits that said garnishee was served through email as well as substituted service. Since the proposed garnishee is a company, Decree Holder is directed to clarify if the email was sent on the email address of the company or its directors. DH to further clarify if the publication was effected mentioning the registered address of the said garnishee or if the addresses of the directors only were mentioned. Learned counsel for decree holder is at liberty to file reply, if any, to the affidavit of said Mr. Mukesh Arora within 5 days. At request, copy of affidavit of garnishee no.39&40 be supplied to learned counsel for decree holder.

It had already been stated by learned counsel for garnishee no.52 that said garnishee has already repaid the loan to the concerned JD and it has come on record that decree holder is contesting the same. No further directions are warranted at this stage.

On last date of hearing, it was stated on behalf of garnishee no.55 that Sh. Prem Kumar Choudhary, Ex. Director of the said proposed garnishee has resigned in 2018. Let appropriate affidavit alongwith requisite documents, if not filed earlier, be filed within the period already provided with copy to decree holder as well as judgement debtor concerned.

It is stated by learned counsel for judgement debtor no.17 that reply to the affidavit of garnishee no.56 will be filed during the course of day. At request, copy of affidavit of garnishee no.56 be supplied to learned counsel for judgement debtor no.19 through email and response of said judgement debtor to the affidavit of garnishee no.56 be filed within five days with copy to decree holder as well as concerned garnishee.

At this stage, it is stated by learned counsel for judgement debtor no.6 to 8 that documents filed by garnishees be supplied to said judgement debtors, to which learned counsel for decree holder submits that judgement debtors no.6 to 8 are seeking documents at highly belated stage almost one year after start of proceedings and that said judgement debtors are trying to delay the matter.

Today there is appearance on behalf of garnishee no. 7,11,18,27,28,39,40,52 and 56 only. Out of said garnishees, garnishee no.7, 11, 27,28,52 and 56 only have filed any documents on record. In these circumstances a blanket order for supply of documents to JD no. 6 to 8 cannot be made as it would not serve any useful purpose. However, documents if any filed by garnishee no.7, 11, 27,28,52 and 56, if they relate to the said JDs, be supplied to the learned counsel for JD no. 6 to 8 in two days. Learned counsel for said JDs is also at liberty to inspect the file and obtain PDF copy of the entire record as per rules. The response of JD 6 to 8 if any be filed in five days after excluding two days for supply/inspection, as the case maybe.

It is clarified that all judgement debtors are at liberty to inspect the court record and file response to the concerned garnishee, within

one week from today with copy to concerned garnishee as well as to the decree holder.

It is stated by Mr. Lakshay Laroia, learned counsel for garnishee no.11 that said garnishee is in the process of filing of reply to interrogatories served by the DH.

At this stage, Mr. Tejveer Bhatia, Adv. for garnishee no.11 is present and submits that reply on behalf of said garnishee to the interrogatories served by the DH is not required to be filed as the matters raised by the interrogatories are covered in the affidavit already filed on behalf of said garnishee. It is stated that appropriate affidavit in this regard will be filed within two days with copy to decree holder. Said garnishee is at liberty to proceed as per law.

At request, copy of documents filed by garnishee no.7 be supplied to judgement debtor no.17 through email, who may file, reply, if any, within five days with copy to concerned garnishee as well as to the decree holder.

It is stated by learned counsel for garnishee no.7 that reply to interrogatories served on said garnishee has been filed. At request, copy of same be supplied to learned counsel for decree holder through email. It is also stated by learned counsel for garnishee no.7 that judgement debtor no.17 is seeking documents at a highly belated stage after passing of about 6 months from the date of filing of documents. Be that as it may, in the interest of justice, documents filed by garnishee no.7 be supplied to judgement debtor no.17 against due acknowledgement. Learned counsel for JD no 17 is also at liberty to obtain PDF copy of the file as per rules.

Let documents/reply, if not already filed, be filed by garnishees in terms of directions of the Hon'ble Court vide order dated 11.10.2019 & 14.11.2019 within three days with copy to respective JD and DH. The DH and respective JDs are at liberty to file their responses to the same within 5 days of receipt of the advance copy of the said affidavits.

In as much as the time before the undersigned is short, the hearing of the matter is being expedited.

Re-notify the matter for compilation of report on 03.09.2020 at 11.30 a.m.

Copy of order be sent to learned counsel for the parties through Whatsapp/email, if said contacts are available on record.

SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 01, 2020/ab