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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 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.
Aditya Shankar & Mr. Rohan Jaitley,
Adv. for Decree Holder

Versus

MALVINDER MOHAN SINGH AND ORS. Judgement Debtor

Through Mr. Aditya Dewan & Mr. Siddharth
Chechani, Adv. 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. Archana Lakhotia, Adv. For
Garnishee no.27&28
Mr. Lakshay Laroia & Mr. Tajveer
Bhatia, Adv. For Garnishee no.11
Mrs. Ferida Satarawala Chopra, Mr.
Aashish Gupta & Mr. Varun Byreddy,
Adv. for Garnishees no.12,13,14&20
Mr. Ritesh Khatri, Adv. For Garnishee
no.18
Mr. Kapil Sapra & Mr. Vikas Dutta,
Adv. for Garnishee / Party No. 31 -
SGGD Project Developers (P) Ltd.
Mr. Pratyush Miglani, Mr. Nikhil
Verma & Ms. Smriti Varma, Adv. For
Garnishee i.e. Ramchem Pvt. Ltd.
Mr. Saleem Hasan & Mr. Rohit Dahiya,
Adv. For Garnishee no.52

Mr. Lucky Palta & Mr. Harsh Gurbani,
Adv. For Garnishee no.55 (Prem
Kumar Chaudhary)

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **07.09.2020**

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

O.M.P. (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 (mentioned in EA no 809/2020) 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.

It is stated by learned counsel for decree holder that objections in respect of application qua deceased proposed garnishee no.32 were removed. However the said application is still not on record. Learned counsel undertakes to check up the same with the registry and get the same placed on record. Let needful be done as stated with copy to garnishee no.12.

It is stated by learned counsel for JD no.1,3,4&13 and proxy for JD no. 14,15,18 and 19 that judgement debtor no.19 has filed response qua garnishee no.4,5,9,11,17,22,35,36,50&54. The said garnishees and decree holder are at liberty to file rejoinder qua the said response, if any, within five days from today with copy to judgement debtor no.19.

Judgement debtors no.1,3,4&13 and 14,15,18&19 are at liberty to file responses to the affidavit of remaining garnishees, who are connected with the said JDs, within five days from today with copy to concerned garnishees as well as to the decree holder. The said garnishees and decree holder are at liberty to file rejoinder qua the said response, if any, within five days from today with copy to concerned judgement debtor.

Learned counsel for garnishee no.18 seeks one week time for filing of response. Let response be filed by garnishee no.18 in terms of directions of the Hon'ble Court vide orders dated 11.10.2019 & 14.11.2019 within five days from today with copy to concerned judgement debtors as well as decree holder.

Learned counsel for Mr. Prem Kumar Chaudhary, stated to be ex director of garnishee no.55, submits that an appropriate affidavit could not be filed as Mr. P. K. Chaudhary is staying in Rajasthan and due to this Covid pandemic situation. At request, let appropriate affidavit, if any, be filed by garnishee no.55 within five days from today with copy to concerned judgement debtor as well as decree holder.

It is stated by learned counsel for garnishee no.28 that an appropriate affidavit of said garnishee will be filed within two days. Let needful be done as stated with copy of concerned judgement debtor as

well as decree holder.

On last date of hearing, it was stated on behalf of garnishee no.26 that vakalatnama alongwith affidavit and documents, in terms of directions of the Hon'ble Court vide order dated 11.10.2019 & 14.11.2019 would be filed within one week. Let needful be done within the time already given to the said garnishee with copy to concerned judgement debtor as well as decree holder.

Let rejoinder of garnishee no.12,13,14&20 to the reply of judgement debtor no.19 be filed within the time indicated on last date with copy to concerned judgement debtor as well as decree holder. It is also pointed out by learned counsel for said garnishees that the said garnishees have filed their response to the interrogatories served by the decree holder. Copy is stated to have been received by the learned counsel for the decree holder.

It is stated by learned counsel for garnishee no.31 that said garnishee has received copy of order of the undersigned alongwith amended memo of parties in which the said garnishee has been shown as respondent no.34. Learned counsel for decree holder clarifies that amended memo of parties is in respect of only one IA bearing no.14554/2018. At request, copy of said IA whence the said amended memo of parties pertains be supplied to learned counsel for garnishee no.31 on his email. At request of DH, learned counsel for garnishee no.31 is also requested to share the amended memo of parties received by him with the learned counsel for decree holder via email.

It is stated learned counsel for garnishee no.56 that said garnishee has not received reply of judgment debtor no.19 to the

affidavit filed by said garnishee. Learned proxy counsel for judgement debtor no.19 submits that she will take instructions and file reply/response of said judgement debtor within five days from today. Let needful be done as stated with copy to concerned garnishee as well as decree holder.

Learned counsel for decree holder is at liberty to file response, if any, to the reply of judgement debtor no.19&17 aforesaid within five days with copy to opposite side.

It is stated by learned counsel for garnishee no.11 that affidavit in response to interrogatories served by the DH has been filed. Copy already supplied to be to the decree holder.

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 from today with copy to respective JD and DH, who may file their response within five days with copy to opposite side.

It is clarified that all judgement debtors are at liberty to inspect the court record and file response to the garnishee concerned with the said JD, within three days from today with copy to concerned garnishee as well as to the decree holder.

It is clarified that in as much as the time before the undersigned is short, parties are being given time for completion of pleadings, in any event, by next date, failing which the report will be compiled on the basis of the documents available on record with the undersigned.

Re-notify the matter for completion of pleadings, compilation of report and awaiting the requisite application, if any, for 14.09.2020 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 07, 2020/ab