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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. Samridhi Hota, Ms. Kanika
Singhal, Mr. Shivam Pandey,
Mr. Turab Ali Kazmi, Ms. Saloni
Agarwal, Mr. Kunal Chatterji, Mr.
Aditya Shankar & Mr. Rohan Jaitley,
Advs. for Decree Holder

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.
Mr. Manish Khurana, Adv. for
Garnishee no.9 and proxy counsel for
garnishee no.3 & 22
Mr. Tajveer Bhatia & Mr. Kunal Vats,
Adv. For Garnishee no.11
Mrs. Ferida Satarawala Chopra, Mr.
Aashish Gupta & Mr. Varun Byreddy,
Advs. for Garnishees no.12,13,14&20
Mr. Ritesh Khatri, Adv. For Garnishee
no.18
Ms. Sahiba Singh, Adv. for Garnishee
no.26
Ms. Archana Lakhotia, Adv. For
Garnishee no.27&28
Mr. Kapil Sapra & Mr. Vikas Dutta,
Advs. for Garnishee / Party No. 31 -
SGGD Project Developers (P) Ltd.

Mr. Pratyush Miglani, Mr. Nikhil Verma & Ms. Smriti Varma, Advs. For Garnishee i.e. Ramchem Pvt. Ltd.
Ms. Ritambhara Narang, Adv. for Ex. Director Mr. Mukesh Arora of Garnishee no.39&40
Mr. Saleem Hasan & Mr. Rohit Dahiya, Advs. For Garnishee no.52
Mr. Lucky Palta & Harsh Gurbani, Advs. For Garnishee no.55 (Prem Kumar Chaudhary)
Mr. Joby P Varghese, Adv. for Garnishee no.56
Ms. Sonal Gupta, Adv. for applicant ICICI Bank

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **14.09.2020**

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 appropriate application in respect of proposed garnishee no.32 was filed. The same is stated to be on record. It is pointed out by learned counsel for garnishee no.12 that the said IA does not contain the amended memo of parties, whence the prayer for taking the same on record is made in the captioned IA, to which learned counsel for decree holder submits that he will do the needful in this regard. Let needful be done as stated within two days with copy to concerned garnishee. It is stated that copy of amended memo of parties will be served upon all the garnishees.

It is stated by learned counsel for garnishee no.18 that affidavit of said garnishee was filed on 10.09.2020. Copy of same already supplied to the decree holder. At request, copy of same be supplied to concerned judgement debtor through counsel on the email provided today. It is stated by learned counsel for decree holder that response to the affidavit of garnishee will be filed today itself. Let needful be done as stated with copy to concerned garnishee as well as judgement debtor. It is stated by learned counsel for judgement debtor that response to the affidavit of granishee no 18 will be filed within two days. Let needful be done as stated with copy to concerned garnishee as well as decree holder.

It is stated by learned counsel for garnishee no.31 that he has received requisite documents today itself at 11.30 a.m. from the decree holder in respect of the amended memo of parties. He further submits that he needs some time to go through the same. No further directions

in this regard are warranted at this stage and learned counsel is at liberty to proceed as per law.

It is stated on behalf of JD no. 1,3,4,13, 14,15,18 and 19 that the response of concerned JD to the affidavits of garnishee no.31, 43, 44 and 47 have been filed in the meantime. At request, copy of same be supplied to concerned garnishees as well as counsel for the decree holder against due acknowledgement.

It is stated on behalf of Mr. Prem Kumar Chaudhary, stated to be ex-director of garnishee no.55 that the appropriate affidavit will be filed within three days. Let appropriate affidavit and documents, if any in terms of directions of Hon'ble Court vide order dated 11.10.19 and 14.11.19 be filed within three days with copy to the decree holder as well as concerned judgement debtor.

It is stated by learned counsel for garnishee no.28 that appropriate additional affidavit has been filed on behalf of garnishee no.28. Copy already received by learned counsel for decree holder. At request, copy of same be supplied to learned counsel for judgement debtor no.19. Let response, if any, on behalf of decree holder as well as concerned judgement debtor be filed within two days with copy to concerned garnishee.

It is stated by learned counsel for garnishee no.26 that vakalatnama has already been filed. At request, affidavit and documents, in terms of directions of the Hon'ble Court vide orders dated 11.10.2019 & 14.11.2019 be filed before next date with copy to the decree holder and concerned judgement debtor.

It is stated by learned counsel for judgement no.19 that said

judgement debtor does not wish to file any response to the affidavit of garnishee no.56. It is stated by learned counsel for decree holder that she will take instructions and will file appropriate response, if any, before next date or will make appropriate submissions when the report is being compiled.

It is stated by learned counsel for garnishee no.9 that judgement debtor 19 has filed response to the affidavit of said garnishee in which it is stated that response be also sought from judgement debtor no.6,16&17, to which learned counsel for judgement debtor no.6 submits that he will take instruction and will file appropriate response. Let needful be done as stated before next date with copy to decree holder as well as concerned garnishee. Judgement debtor no.16&17 are also at liberty to file their response, if any, to the affidavit of garnishee no.9 before next date with copy to decree holder as well as concerned garnishee.

At this state, it is pointed out by Ms. Suman Yadav, Adv. for JD-1,3,4&13 and proxy for JD no14, 15,18 and 19 that similar response has been filed by said judgement debtor in respect of garnishee no.4,5,9,11,17,22,35,36,50 & 54. Learned counsel for judgement debtors concerned with the said garnishees or any of them are at liberty to file their response to the affidavit of said garnishee with copy to decree holder as well as to the concerned garnishee before next date. Let rejoinder, if any, be filed by said garnishee to the reply of judgement debtor within two days on receipt of copy of copy of response with copy to decree holder as well as concerned judgement debtor.

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 two days from today with copy to respective JD and DH, who may file their response before next date 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 two 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 further proceedings qua proposed garnishee no.32, completion of pleadings and for compilation of report qua garnishee no.1 to 10 for 18.09.2020 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 14, 2020/ab