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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. Giriraj Subramaniam & Mr.
Shivam Chanana, Advs.

versus

MALVINDER MOHAN SINGH AND ORS.

..... Judgement Debtors

Through: Mr. Anand Raja & Mr. Debarshi
Dutta, Advs. for applicant in EA
No.747/2024
Mr. Aditya Dewan & Mr. Sahil
Chandra, Advs, for JD no.6 to 8
(joined through VC)

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% 13.05.2024

**EA NO.747/2024 under Order I Rule 10(2) r/w Order
XXI Rule 58 r/w Order XXI Rule 101 with Section 47
r/w Section 151 CPC moved by the applicant for
impleadment**

1. Learned counsel for the DH has pointed out, at the outset, that though in the captioned IA, the applicant has also relied on Order XXI Rule 58 r/w Order XXI Rule 101 with Section 47 r/w Section 151 of the code of Civil Procedure, 1908, the sole relief sought by the applicant as per prayer clause is the impleadment of the applicant so as to give an opportunity to the applicant to be heard before passing any order of attachment or sale in respect of the subject property. No relief has been sought for challenging the order with regard to the attachment of the subject property or its sale. So, he submits that the captioned IA is not maintainable in its present form.

2. The same is controverted by learned counsel for the



applicant. He has relied on order dated 30.01.2024 passed by the Hon'ble Division Bench in EFA(OS) (COMM) 2/2024 and CM Appl. 5170/2024 and 5171/2024 directing that till disposal of the application filed by subsequent purchaser i.e. Ms/ One Qube Realtors Pvt. Ltd. the sale of the subject property will not be carried out and ordered the applicant/appellant to maintain status quo as to sale of the subject property. Relying on the same, he submits that no further reliefs are required to be sought in the captioned IA.

3. I have considered the rival submissions carefully. Learned counsel for the applicant is not able to explain necessity for invoking Order XXI Rule 58 r/w Order XXI Rule 101 r/w Section 47 r/w Section 151 CPC by applicant in case the applicant wants to restrict relief to impleadment of applicant in the captioned IA. So, the application in its present form is inchoate and thus not proper. Allowing this application to be pursued as it is would lead to be multiplicity of the applications and thereby unnecessary delay the disposal of the execution petition filed by the DH. So, the captioned IA is not maintainable in its present form. The applicant is at liberty to proceed as per law in view of observations made herein above.

Re-notify the captioned IA on date already fixed i.e. 21.05.2024.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 13, 2024/ab

Click here to check corrigendum, if any