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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 Subramaniyam, Mr. Kunal Chatterji, Ms. Astha Ahuja, Ms. Shrya Hoon, Mr. Tanmay Arora and Ms. Samridhi Hota, Advocates.

versus

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

Through: None.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% **31.05.2024**

EX.APPL.(OS) 944/2024

Mr. Giriraj Subramaniyam, learned counsel appearing for the decree-holder submits, that since *vide* order dated 29.05.2024 a fresh precept has already been issued in respect of the subject property, this application has been rendered infructuous.

2. Accordingly, the application is disposed-of as infructuous.

EX.APPL.(OS) 943/2024

3. By way of the present application filed under section 46 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the decree-holder seeks issuance of precepts in respect of certain immovable properties situate in Parsvnath Palacia Complex, Greater Noida, Uttar Pradesh (stated to be owned by M/s Green Biofuels Farms Pvt. Ltd.); and against certain immovable properties situate in Hampton Court, Business Park, Phase-VIII, Focal Point, Chandigarh Road, Ludhiana,

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Punjab (also stated to be owned by M/s Green Biofuels Farms Pvt. Ltd.), as detailed in the application.

4. Mr. Subramaniyam draws attention to order dated 15.02.2022 made by this court, pursuant to which judgment-debtor No.1 had filed an affidavit dated 24.03.2022, giving the particulars of the above-said properties in a table annexed to the said affidavit. Counsel submits, that the said properties already stand attached in execution of the award-decree in terms of judgment dated 22.09.2022 rendered by the Supreme Court in SLP(C) No. 20417 of 2017; and it is in respect of the said properties that precepts are being requested by way of this application.

5. Mr. Subramaniyam also points-out, that affidavit dated 24.03.2022 was filed before this court pursuant to an application for directions filed in Contempt Petition (C) No. 2120 of 2018 in SLP(C) No. 20417 of 2017 that was pending before the Supreme Court, in which proceedings judgement-debtor No.1 in the present case (respondents Nos. 9 and 12 before the Supreme Court) had offered *inter-alia* the said properties for sale, stating that the sale proceeds be used towards purging contempt and also for satisfying the award-decree.

6. In view of the prayer made, it is not considered necessary to issue notice on this application.

7. In any case, an advance copy of the application is stated to have been served upon the respondents; but no one is present on behalf of the respondents when the matter is called-out.

8. The application is accordingly allowed.

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9. The Registry is directed to issue requisite precepts under section 46 read with section 151 of the CPC, through all modes, in respect of the properties as set-out in prayers 'A' and 'B' of this application, to the learned Civil Judge (Senior Division), Greater Noida, Uttar Pradesh and the learned Civil Judge (Senior Division), Ludhiana, Punjab, in the prescribed format.

10. As prayed-for, in addition, let copies of this order and of the precepts be also given *dasti* to learned counsel for the decree-holder, to communicate the same to the concerned courts, in accordance with law.

11. Let the needful be done within 02 weeks.

12. The application is disposed-of in the above terms.

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13. Re-notify on 08th July 2024, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

MAY 31, 2024
V.Rawat

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