

%27.07.2006

Present: Mr.Rajiv Endlaw with Ms.Bharti for the plaintiff
Mr.S.C.Dhanda for the defendant

+CS(OS) No.2373/1997

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1. Plaintiff claims that the defendant is its debtor and to recover the sum a suit has been filed before the Court of competent jurisdiction in the United Kingdom.
2. Fearing that the defendant would sell his immovable property bearing No.B-22, Gitanjali Enclave, New Delhi, prayer made is to restrain the defendants from selling, transferring, alienating or parting with possession of property bearing No.B-22, Gitanjali Enclave, New Delhi till final adjudication of the recovery proceedings initiated in the United Kingdom.
3. Complaint was subsequently amended to pray that since suit in United Kingdom has been decreed, till satisfaction of the decree, injunction as prayed should enure.
4. Decree obtained by the plaintiff in United Kingdom is sought to be executed through this Court vide Execution Petition No.73/2000.

CS(OS) No.2373/1997

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Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

5. Mr.S.C.Dhanda learned counsel for the defendant states that at the moment defendant is not desirous of selling the suit property. Mr.Dhandha states that till the disposal of the execution petition No.73/2000 defendant would not sell, transfer, alienate or create third party rights qua property bearing No..B-22, Gitanjali Enclave, New Delhi-17.

6. Taking on record the statement made by Mr.Dhanda on behalf of the defendant, the suit stands disposed of decreeing that till Execution Petition No.73/2000 pending in this Court is decided the defendant would not transfer, alienate, encumber or part possession with property bearing No..B-22, Gitanjali Enclave, New Delhi.

7. No costs.

8. It is stated that certain documents filed in the present suit would be required when Execution Petition No.73/2000 is decided.

9. It is accordingly decided that file of the suit be retained and be tagged on with Execution Petition No.73/2000.

July 27, 2006
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PRADEEP NANDRAJOG, J.

%27.07.2006

Present: Mr.Rajiv Endlaw with Ms.Bharti for the Decree Holder
Mr.S.C.Dhanda for the Judgment Debtor
Mr.K.S.Parihar with Mr.H.S.Parihar for RBI

+Ex.P.No.73/2000

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1. Learned counsel for RBI states that he has been instructed to inform the court that no permission/sanction is required by the decree holder for filing the execution petition nor is any sanction/permission required for making any recovery. However, if decree holder would be remitting money outside India, then at that stage RBI sanction would be required.

2. Mr.Dhanda states that the stand taken by RBI is incorrect.

3. The judgment debtor is not the custodian of the finances of this country. Surely, the Ministry of Finance has not appointed the judgment debtor as its advisor. I take on record the stand of R.B.I.

4. Vide order dated 9th November, 2005 court notice was issued to RBI limited to ascertain the stand of RBI. Since stand of RBI has come on record, I proceed ahead with the execution petition.

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5 Learned counsel for the judgment debtor states that appeal has been filed against the order dated 9.11.2005. Stay was not sought for for the reason none was required as stand of RBI was not clear. Since RBI has taken a stand aforementioned, he intends to seek a stay from the appellate court.

6. I am informed that the appeal is listed on 8.8.2006.

7. Renotify for 29.9.2006.

July 27, 2006
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P. Nandrajog
PRADEEP NANDRAJOG, J.

Ex.P.No.73/2000

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