

Raj Kiran Soni

...Decree Holder

Versus

Mahender Aggarwal

...Judgment Debtor

11.06.2020

It is a fresh execution application filed during the Covid-19 pandemic.

As per the information received from Shri Gurvinder Singh Sodhi, the Coordinator 1, the execution petition has been filed in physical form at the Facilitation Counter at Tis Hazari Courts, Delhi. A scanned copy of the same has been transmitted by him to this Court through electronic means.

It has been taken up by me for consideration, through Video Conferencing, as this Court is on the Roaster Duty today as per the directions of the Ld. District & Sessions Judge (HQ), Central District, Delhi.

The execution petition be checked and registered in the Court concerned, to which it is marked by the Ld. District & Sessions Judge (HQ), Central District, Delhi, after the opening of the Courts.

Present: Shri Pardeep Sehrawat, Ld. Counsel for the Decree Holder

Heard. Record perused.

It is an application for the execution of the decree passed by Shri Jitender Singh. Ld. Additional District Judge-06, Central District, Delhi in a suit vide CS DJ No. 18434/2016 passed on 12.03.2020, wherein the suit has been decreed in the sum of Rs. 19,85,600/- with *pendentalite* and future interest @ 6% per annum till realization of the decretal amount. Costs of the suit have also been awarded in favour of the DH.

The matter is treated as one of urgent nature as the DH is seeking to reap the fruits of the decree.

Mahender Singh
11.06.2020

Contd...2

Let Counsel for the DH has undertaken that the necessary court fee on application as well as on the *vakalatnama* and the welfare stamp would be placed on record by the next date and that all Codal requirements would also be put in place. Be complied with as undertaken.

It has been noticed that only a copy of the judgment has been filed on record. A certified copy of the decree, which is the *sine-qua-non* for the execution of decree has not been placed on record. It has been stated that the same could not be obtained due to lockdown. It has also been noticed that the address of the JD is of Bhopal, State of Madhya Pradesh. No list of attachable properties has accompanied the application. It has not been stated in the application if any properties of the JD are available within the jurisdiction of this Court. Para 7 of the application is also silent about the mode and manner in which the execution of decree has to be carried out.

Ld. Counsel for DH states that he would ascertain the position. If no movable or immovable properties of the JD are situated within the jurisdiction of this Court, the DH may need to get it transferred to a court of competent jurisdiction in accordance with the law and that he would move an appropriate application.

Ld. Counsel for DH seeks an adjournment for taking the necessary steps. Accordingly, list for further proceedings on **28.07.2020**.

A copy of this proceeding be sent to the Ld. Counsel of DH by electronic mode of transmission.

Man Mohan Sharma
11.06.2020

Man Mohan Sharma
District Judge Commercial Court-06
Tis Hazari Court, Delhi/11.06.2020

Rajwati

...Plaintiff

Versus

Sunil Kumar

...Defendant

11.06.2020

It is a fresh suit for injunction filed during the Covid-19 pandemic.

As per the information received from Shri Gurvinder Singh Sodhi, the Coordinator 1, the instant suit has been filed in electronic form. A copy of the same has been transmitted by him to this Court through e mail yesterday.

It has been taken up by me for consideration, through Video Conferencing on Cisco Webex as this Court is on the Roaster Duty today as per the directions of the Ld. District & Sessions Judge (HQ), Central District, Delhi.

The suit be checked and registered in the Court concerned, to which it is marked by the Ld. District & Sessions Judge (HQ), Central District, Delhi, after the Courts resume normal functioning.

Present: Shri Rishab Jain, Ld. Counsel for the plaintiff

Heard. Record perused.

It is a suit for injunction. It is accompanied with an application under Order 39 Rule 1 and 2 CPC for *ex-parte* injunction.

The matter has been treated as one of urgent nature in view of the threat as apprehended by the plaintiff from the defendant.

Let Counsel for the plaintiff shall file necessary court fee on application as well as on the *vakalatnama* and the welfare stamp would be placed on record withing 15 days from today and that all Codal requirements would also be put in place.

Har Mohan
SP
11.06.2020

Contd....2

Ld. Counsel for the plaintiff does not press for the *ex-parte* injunction and seeks that only the notice of the suit be sent to the defendant. He states that the defendant can be served through whatsapp as his telephone no. is available and that he is subscribing to whatsapp.

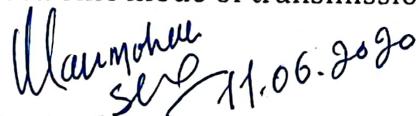
It is stated that the plaintiff has become the owner of the suit property by virtue of death of the Testator Shri Rati Ram who has let behind a Will dated 16.07.2017 in her favour. The testator has expired. The defendant is the son of the plaintiff and want to dispossess her and her two tenants from the suit property and want to sell off the same to third parties.

The factum and date of death of the testator Shri Rati Ram, which is an integral part of the cause of action has not been pleaded. No death certificate of the testator has been placed on record. Ostensibly even by a meaningful reading of the plaint it does not disclose a cause of action.

Plaintiff to show cause as to why the plaint be not rejected for non-disclosure of a cause of action under the provision of Order 7 Rule 11 of the Code of Civil Procedure.

Accordingly, list for consideration on this aspect on **15.07.2020**, before the Ld. Judge concerned on Roster duty on that day.

A copy of this proceeding be sent to the Ld. Counsel for the plaintiff by electronic mode of transmission.

 11.06.2020

Man Mohan Sharma
District Judge Commercial Court-06
Tis Hazari Court, Delhi/11.06.2020

Victronix AG

...Plaintiff

Versus

Sh. Dinesh Gupta etc.

...Defendants

11.06.2020

An application for early hearing has been filed by the defendants during the Covid-19 pandemic in an existing suit vide no. CS(Comm) 2138/2019 titled 'Victronix AG vs. Dinesh Gupta & Others' pending before this Court.

As per the information received from Shri Gurvinder Singh Sodhi, the Coordinator 1, the instant application has been filed in an electronic form. A copy of the same had been transmitted by him to this Court through e-mail yesterday. Prior thereto it had come up for hearing on 09.06.2020 before the Id. Judge on Roster duty, who had adjourned it for today. I have given hearing to the parties through Video Conferencing on Cisco Webex platform.

Present: Ld. Counsel for both the parties.

Ld. Counsel for the plaintiff states that he has no objection if the defendants' application for early hearing is allowed. It is thus allowed.

The date already fixed in the case stands cancelled. The matter stands preponed to 22.06.2020 at 11:00 AM on mutual consensus.

In the eventuality of further extension of lockdown *vis-à-vis* the normal functioning of the Courts, the hearing would be through Video Conferencing on Cisco Webex platform. Alternatively, if the physical hearing recommences in the Courts by that date, the hearing would be in the open court.

Ld. Counsel may share their respective email ids and phone numbers on the email id of this court i.e. readerdjcc006central@gmail.com.

*Wah Mohan
Sharma
11.06.2020*

Contd....2

Arguments on the plaintiff's application under Order 39 Rule 1 and 2 CPC have already been addressed by Ld. Counsel for the plaintiff and the defendants. The matter is presently at the stage of rebuttal arguments by the plaintiff.

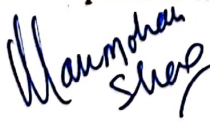
As mutually resolved, Ld. Counsel for the parties shall assist this court in the following manner:-

1. Prepare an 'e-file' of all the pleadings, applications and documents;
2. Prepare their respective written arguments along with citations of case laws in electronic form;
3. Share the same between them *inter-se* and also send a copy of the same in electronic form to this Court.
4. All this be complied with within one week from today i.e. by 18.08.2020.

The Ahlmad of this Court is directed to place the physical file of the matter before me, either in the Court or in the Camp Office, wherever the hearing is held on the date fixed.

List on 22.06.2020 at 11:00 AM for hearing in above terms by Video Conferencing/Court Hearing, as the case may be, which shall be duly notified to the parties.

A copy of this minutes of proceedings be sent to the respective Ld. Counsel for the parties in electronic form.


11.06.2020

Man Mohan Sharma
District Judge Commercial Court-06
Tis Hazari Court, Delhi/11.06.2020