



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

EXECUTION NO. 2591 OF 2023

IN

COMPLAINT NO. 2502 OF 2022

Uma KhannaComplainant/Decree Holder

VERSUS

Movish Realtech Pvt. Ltd.Respondent /Judgment Debtor

Date of Hearing: 10.12.2024

Hearing: 4th

Present: Mr. Kunal Thappa Adv; for the complainant/decree holder
Ms. Navneet Adv. proxy for Mr. Kamaljeet Dahiya Adv., for
the Respondent /judgment debtor through video conferencing

ORDER

Today, the case is fixed for providing the details of the judgment debtor's property to be attached, by the decree holder, for recovery of the decretal amount. As per office report not details have been provided by the decree holder till date.

2. Learned counsel for decree holder sought time to file details of movable and immovable property for the purpose of attachment afresh.
3. Adjourned to 20.03.2025. Decree holder is directed to file bank account/property details of judgment debtor company for the purpose of the attachment duly supported by an affidavit in support thereof, so that only the verified

bank account/property of the judgment debtor is legally got attached in accordance with law, for recovery of the decretal amount. As per settled proposition of law laid down in City Bank, N.A v/s Indo-American Electrical Ltd. AIR 1981 Del 27, “as a general rule, territorial jurisdiction is a condition precedent to a Court executing a decree and neither the Court which passed the decree nor the Court to which it is sent for execution can execute it in respect of the property lying outside its territorial jurisdiction.” However, such details must be duly supported by an affidavit of the decree holder to say that the details of the bank account/property sought to be attached legally stand in the name of the judgment debtor. Such directions have been passed to ensure that the property standing in the name of the judgement debtor is only got attached. It is further directed that the details of “Separate account” (ESCROW account), which is to be utilized for the construction of the project, should be avoided because legally its attachment order may cause prejudice to the other co-allottees of the project. In alternate, decree holder may move an application under Order 21 Rule 41 Civil Procedure Code or any other relevant provision provided under Civil Procedure Code, to get the execution satisfied at the earliest.

10.12.2024


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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER