



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

EXECUTION NO. 3132 OF 2022

IN

COMPLAINT NO. 2615 OF 2019

Kamlesh Jain

....Complainant/Decree Holder

VERSUS

Parsvnath Developers Ltd.

....Respondent /Judgment Debtor

Date of Hearing: 28.11.2024

Hearing: 9th

Present: Mr. O. P. Gupta Adv. for the decree holder through video conferencing
Ms. Nectu Singh Adv. for the Judgment debtor through video conferencing

ORDER

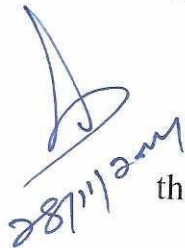
Today, the case is fixed for deposit of Rs.25,000/- by the judgment debtor with the Authority and also to pay Rs.2,000/- to the complainant and also to wait for report on recovery certificate issued to DC, Shahdara.

As per learned counsel for the judgment debtor, Rs.25,000/- has been deposited today with the Authority and Rs.2,000/- has also been paid to the decree holder. Both payments have been confirmed.

2. No report from DC, Shahdara regarding recovery certificate has been received. The same be awaited for 20.02.2025.

3. Learned counsel for the decree holder has submitted that the details given of the property of the judgment debtor at para 13 of execution petition i.e. Office at Parsavnath city, Sector-8, Kundli (Sonepat) be attached for recovery of decretal amount, to which learned counsel for the judgment debtor has objected to on the ground that the same cannot be attached, it being the place used by all the allottees and customers for administrative purposes.

Heard.

 This Forum is of the view that attachment of office of the judgment debtor to satisfy decree of one of the allottees of the entire project may be detrimental to the interest of other co-allottees, who are expected to use this office to get their day to day affairs of the administration looked after. Hence, at the cost of interest of majority of the allottees, the demand of one of the allottee to attach such property, cannot be acceded to in the interest of public at large more so when the decree holder has other legal modes available to get the decretal amount recovered.

4. Now, to come up on 20.02.2025 for awaiting report from DC, Shahdara and 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.

28.11.2024

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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER