HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Execution No. 1809 of 2024

In

Complaint No. 775 of 2019

Ajay Sharma **.....DECREE HOLDER**

VERSUS

Idyllic Resorts Pvt. Ltd. **....JUDGMENT DEBTOR**

Date of Hearing:- 06.10.2026

Hearing:- 7th

Present:- None for the Decree Holder.

Adv. Rupali S. Verma, Ld. Counsel for the Judgement Debtor.

ORDER : DR. GEETA RATHEE SINGH -(MEMBER)

1. Vide order dated 04.08.2026, one final opportunity was granted to the decree holder to comply with the directions issued vide order dated 03.02.2026. Relevant para of order dated 03.02.2026 is reproduced as below:-

"4. In the given circumstances, one last opportunity is given to decree holder to file details of the judgment debtor company's bank account or property for attachment, provided these details are supported by an affidavit confirming that the account/property belongs to the judgment debtor. This is necessary for the lawful attachment of only the judgment debtor's verified property to recover the decretal amount. As per settled proposition of law laid down in City Bank N.A. v. 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." Such directions have been passed to ensure that the property standing in the name of judgment 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. 5. Alternatively, the decree holders may file an application under Order XXI Rule 41 or Rule 37 of the Civil Procedure Code, following the prescribed procedures under Section 51, Order XXI Rule 11(A) and Rules 30 and 40 of the Civil Procedure Code or other relevant measures to ensure execution of the decree at the earliest.

6. Case is adjourned to 28.04.2026."

2. A perusal of the record reveals that despite repeated opportunities, the decree holder has failed to furnish the requisite affidavit/particulars of

attachable assets in compliance with the orders dated 03.02.2026 and 04.08.2026. Moreover, none has appeared on behalf of the decree holder today to pursue the matter.

3. Taking note that the execution proceedings are summary in nature and cannot be kept pending indefinitely when the executing party displays continuous default and lack of interest. In view of the persistent non-compliance and non-appearance, the present execution petition is hereby **Disposed of as dismissed.**

File be consigned to record room after uploading of this order on the website of the Authority.

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DR. GEETA RATHEE SINGH
[MEMBER]