



2025:DHC:6420



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 04th August, 2025***
+ **CM(M) 1428/2025, CM APPL. 46936/2025 & CM APPL. 46937/2025**
M/S OM CROP SCIENCE

.....Petitioner

Through: Mr. Vishal K Panwar with Mr. Aditya
Verma, Mr. Aman Goyal and Mr.
Nishant Rana, Advocates.

versus

CRYSTAL CROP PROTECTION LTD.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Petitioner herein is judgment debtor who is facing an execution petition which is registered as Execution (Comm No. 239/2023) pending before learned District Judge (Commercial Court) 01, East District, Karkardooma Court, Delhi.
2. The judgment debtor has yet not participated in the execution proceedings but submits that when the execution petition was taken up by the learned Executing Court on 15.01.2025, the decree holder had filed one application under Order XXI Rule 54 CPC seeking attachment of one immovable property.
3. Such immovable property sought to be attached was the house of judgment debtor i.e. 88 Vardaan Apartment, IP Extesnion, Patparganj, Delhi.



4. The abovesaid order dated 15.01.2025 also records that such property, being the house of the judgment debtor was exempted as per Section 60 (c) of CPC and on the basis of such observation made by the learned Executing Court, the decree holder sought time to verify about any other immovable property owned by the judgment debtor and eventually, when the matter was taken up by learned Executing Court on 11.07.2025, learned Executing Court has issued *warrants of attachment* of the same very property.
5. It is submitted that once the Executing Court had taken a decision that the property could not have been attached, it was not possible to review the order in the manner, it has been done.
6. It is also stated at the Bar, though, the bailiff had been appointed on 01.08.2025 but so far, *warrants of attachment* of the abovesaid immovable property has not been executed as such.
7. Such statement has been made when the matter is taken up today at 11:45 A.M.
8. None appears on behalf of decree holder despite advance notice.
9. Keeping in mind the overall facts and circumstances of the case and the fact that the next date before the learned Executing Court is 13.08.2025, the present petition is disposed of with direction to petitioner to move appropriate application today itself seeking recall of *warrant of attachment* of the abovesaid immovable property in terms of reasons already recorded by the learned Executing Court on 15.01.2025.
10. The order with respect to *warrant of attachment* of said immovable property shall remain in abeyance, if not already executed, till tomorrow, so as to enable petitioner to move appropriate application in this regard before the learned Executing Court.



2025:DHC:6420



11. Petition stands disposed of in aforesaid terms.
12. Pending applications also stand disposed of in aforesaid terms
13. It is however, made clear that this Court has not made any observation on the merit of the case as such.
14. Order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 4, 2025/sw/SHS