

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM**

**APPLICATION FOR EXECUTION OF DECREE**

**(O.XXI, R.10 & R.11. CPC)**

I,..... decree-holder, hereby apply for execution of the decree herein-below set forth: —

1	2	3	4	5	6	7	8	9	10
No. of compliant	Names of Parties	Date of Decree	Whether any appeal preferred from decree	Payment or adjustment made if any	Previous application, if any, with date and result.	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree.	Amount of costs, if any, awarded	Against whom to be executed.	Mode in which the assistance of the Court is required.

<b>10(A)</b>	
<b>When attachment and sale of moveable property is sought.</b>	I pray that the total amount of Rs. .... together with interest on principal sum up to date of payment and the cost of taking out this execution, be realized by attachment of bank account as per annexed list and directions to the bank manager to remit the decretal amount in favour of the decree holder by way of producing demand draft and sale of JDs moveable property as per annexed list and paid to me.

<b>10(B)</b>	
<b>When attachment and sale of immoveable property is sought.</b>	I pray that the total amount of Rs. .... together with interest on principal sum up to date of payment and the cost of taking out this execution, be realized by attachment and sale of JDs immoveable property specified at the foot of this application and paid to me. A certified extract from the collectors register specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for the land, and the shares of the registered proprietors be also attached.
<b>10(C)</b>	
<b>Application for arrest (Under rule 11(A))</b>	Where an application is made for the arrest and detention in prison of the judgment-debtor, it shall state, or be accompanied by an affidavit stating, the grounds on which arrest is applied for.]
<b>10 (D)</b>	
<b>Application for attachment of movable property not in judgment-debtor's Possession.</b>	Where an application is made for the attachment of any movable property belonging to a judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.
<b>10(E)</b>	By the appointment of a receiver;
<b>10(F)</b>	Otherwise, as the nature of the relief granted may require.

I ..... declare that what is stated in the above description is true to the best of my knowledge and belief, and so far as I have been able to ascertain the interest of the JD in the property therein specified.

Date :

Place :  
Decree Holder

Signature

**Annexure : List of movable property/details of bank account to be attached.**



**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,**  
**GURUGRAM**

(Exercising the powers under section 51 read with order XXI of Code of Civil Procedure, 1908 and section 40 of the Real Estate (Regulation and Development) Act, 2016 and rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017)

<b>Execution application no.</b>		
<b>Case title</b>	Decree holder	
		Versus
	Judgement debtor	

**Subject: Application for giving details of the bank account of the judgment debtor to be attached to recover the decretal amount.**

Sir,

1. The above-mentioned execution petition in complaint no. \_\_\_\_ decided on \_\_\_\_ has been filed before the Haryana Real Estate Regulatory Authority and the same is fixed for \_\_\_\_\_. This execution is in respect of money decree amounting to Rs. \_\_\_\_ /-.

2. I/We are herewith submitting details of the bank account(s) of the judgement debtor with a request that the bank account be attached by the authority as per order XXI rule 30 of CPC,

Account No.	Name of Account Holder	Type of Account	Name of Bank	Branch	IFSC Code

3. That the bank account of the judgment debtor as detailed above be attached to the extent of decretal amount with a direction to the bank manager to deduct that amount from the account and send the same in the name of the decree holder (name and address of the decree holder) by way of account payee cheque/demand draft to the authority.

4. That in case the bank account is incorrect or the balance available in the bank account is not sufficient to satisfy the decretal amount, a report in this regard may be sought from the bank manager by the authority.

5. The bank manager be also directed that in case he does not find sufficient amount in the above stated bank account of the judgment debtor, then a



direction be issued to him to create a lien to the extent of decretal amount in the account and be barred from releasing any amount to third person from the said account before satisfying the decree and the authority be informed accordingly.

6. That in case the bank manager fails to comply with the order passed by the authority with regard to attachment of the account of the judgment debtor as detailed above and deduct the decretal amount and send the same to the authority for payment to the decree holder within the stipulated period as decided by the authority, then under order XXI rule 41(1) CPC, the bank manager be directed to put in appearance before the authority for oral examination with regard to the details of assets of the judgment debtor and to produce books of accounts/statement of account of the judgment debtor or other means if any for satisfying of the decree if in the knowledge of the concerned bank manager.
7. The attention of the bank manager be also drawn to the provisions of order XXI rule 41(1) being reproduced as under:

**"41(1) Examination of the judgment debtor as to his property**

*Where a decree is for the payment of money, the decree-holder may apply to the court for an order that -*

- a. *The judgment-debtor or*  
b. *(where the judgment debtor is a corporation) any officer thereof or*  
c. **Any other person.**

*Be orally examined as to whether any or what debts are owing to the judgment debtor and whether the judgment debtor has any and what other property or means of satisfying the decree; and the court may make an order for the attendance and examination of such judgment debtor or officer or other person, and for the production of any books or documents."*

8. I/We hereby undertake that to best of our knowledge the said account requested for attachment is not the separate RERA account maintained under section 4 (2)(I)(D) of the Act of 2016.

So, keeping in view the grounds detailed above, the execution may be carried out against the judgment debtor accordingly.

Date: .....

( )  
Decree holder

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,**  
**GURUGRAM**

(Exercising the powers under section 51 read with order XXI of Code of Civil Procedure, 1908 and section 40 of the Real Estate (Regulation and Development) Act, 2016 and rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017)

<b>Execution application no.</b>		
<b>Case title</b>	Decree holder	
		Versus
	Judgement debtor	

**Subject: Application for issuing notice by the authority to the judgement debtor under Order XXI Rule 41(1) & 41(2) of Code of Civil Procedure, 1908 for oral examination of the judgement debtor and for filing of list of assets on affidavit respectively**

Sir,

1. The Haryana Real Estate Regulatory Authority, Gurugram exercising the powers under section 51 read with order XXI of Code of Civil Procedure, 1908 and section 40 of the Real Estate (Regulation and Development) Act, 2016 and rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017 has taken up execution of order of the authority in the following matter on an execution application filed by us.

(a)	Complaint No.	
(b)	Name of the complainant	
(c)	Name of the respondent	
(d)	Date of decision	
(e)	Date of execution application	
(f)	Decretal amount	

The above-mentioned execution petition has been filed before the Haryana Real Estate Regulatory Authority and the same is fixed for \_\_\_ for further proceedings.

2. Whereas in the above said complaint this Authority had passed an order in favour of complainant and against the respondent. The Haryana Real Estate



Regulatory Authority, Gurugram, thereby inter alia directed the respondent/judgement debtor to deposit decretal amount and whereas the respondent/ judgement debtor has failed to comply with the orders of the authority.

3. I/we the decree holder is desirous to execute the decree in response to the order in the above-mentioned complaint. An application under Order XXI Rule 10 read with Rule 11(2) of the Code of Civil Procedure has been made by the DH to this authority for execution of the said decree in the proforma no. 6 of appendix E "Application for execution of the decree".
4. I/we hereby undertake to show our inability to produce the details of the bank account which could be attached for the satisfaction of the decree or details of movable/immovable property of the judgement debtor which could be attached and put to sale for satisfying the decretal amount to best of our efforts and make a request to the authority under order XXI rule 41 of the CPC to order that the directors and company secretary/officers of the JD corporation be orally examined as to whether any or what debts are owing to the judgement debtor and whether the judgement debtor has any and what other property or means of satisfying the decree and the authority is also requested to order for the attendance and for oral examination of directors and company secretary of such judgment debtor and for the production of relevant books or documents providing information relating to the assets and bank accounts of judgment debtor and other means of satisfying the decree.
5. I/we are herewith submitting a list of following directors/officers/company secretary of the judgement debtor corporation (source - personal knowledge of the decree holder/ website of Ministry of Corporate Affairs).

Sr. No.	Name and address of the director/ officers of the judgement debtor corporation	Post held/ designation
1.		
2.		
3.		

6. I/we further undertake that the decree has remained unsatisfied for period of 30 days and request the authority under order XXI rule 41(2) that without prejudice to its power under order XXI rule 41 sub rule (1) to order requiring the judgement debtor (the judgement debtor is a corporation,



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

directors/officers/company secretary thereof) to make an affidavit stating the particulars of the assets of the judgement debtor.

7. So, keeping in view the grounds detailed above, the execution may be carried out against the judgment debtor accordingly.

Date:

( )  
Decree holder

**AFFIDAVIT**

(A self-attested affidavit on Rs.10 stamp paper shall be submitted by Decree- holder(s) (i.e in case of more than of one decree holder, joint or separate affidavits by all the decree holders ) in the format given below.

**Before The Real Estate Regulatory Authority, Gurugram, Haryana**

I.....S/O.....R/o.....do hereby solemnly affirm and state as under:

1. That all the facts and submissions made in this petition are true and correct and nothing material has been concealed therein.
2. That no similar petition is pending before any other authority, Court of Law, Consumer Commission on any other tribunal (if it is pending, the details thereof should be given).
3. No stay has been granted by any appellate authority or the tribunal or the Court of Law against the order passed by the hon'ble authority.
4. The decree/order has not been executed till date by respondent.
5. That on the recovery of decretal amount, the total amount be appropriated in the following ratio i.e  
Decree holder 1 .....%  
Decree holder 2 ..... %  
(If the decree holders are more than two then appropriation may be suitably mentioned)
6. That a draft/banker's cheque bearing no.....dated.....of.....bank of Rs.....is annexed as prescribed fee.
7. A self-attested copy of AADHAR card of the deponent is annexed.

DEPONENT(S)

Verification:

The statement made by me above is true to the best of my knowledge and belief

Date.....

Place.....

DEPONENT(S)



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<b>Execution application no.</b>		
<b>Case title</b>	Decree holder	
		Versus
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**AFFIDAVIT OF ASSETS TO BE MADE BY A JUDGMENT DEBTOR**

[O.21, R. 41(2) CPC]

I, ..... S/o ..... state on oath/solemn affirmation as follows:-

1.	My full name is .....(Block capitals)
2.	I live at .....
3.	I am ...../married/single/widower(widow)/divorced
4.	The following persons are dependent upon me:- 1. 2. 3.
5.	My employment, trade or profession is that of .....carried on by me at ..... I am a director of the following companies:- 1. 2. 3.
6.	My present annual/monthly/weekly income, after paying income tax, is as follows:- (a) From my employment, trade or profession Rs.....



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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	(b)	From other sources Rs.....
7.	(a)	I own the house in which I live; its value is Rs.....
		I pay as outgoings by way of rates, mortgage, interest, etc., the annual sum of Rs.....
	(b)	I pay as rent the annual sum of Rs. ....
8.	I possess the following assets :-	
	(a)	Banking accounts;
	(b)	Stocks and shares;
	(c)	Life and endowment policies;
	(d)	House property;
	(e)	Other property;
	(f)	Other securities;
9.	The following debts are due to me:- (Give particulars)	
	(a)	From..... of .....
		Rs.....
	(b)	From..... of .....
		Rs. ....

Sworn before me, etc.]

(By Notary Public/Magistrate)