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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EX.P. 63/2005

AJAY GUPTA

..... Decree Holder

Through: Mr. Manish Miglani, Advocated for
Auction Purchaser

versus

AKASH PHARM

..... Judgement Debtor

Through: None

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

03.02.2016

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E.A. (OS) No. 103/2016 (under Section 151 CPC)

Despite service of advance notice, none has appeared on behalf of the decree holder. This application has been moved by the auction purchaser with the prayer that the amount deposited by him in this court be directed to be released to the action purchaser.

In the present execution petition, this court had directed the sale through public auction of the property of the judgment debtor vide order dated 02.02.2009. The auction was held on 26.10.2009, wherein the applicant had given the highest bid. The applicant states that he had accordingly deposited in this court Rs. 2.10 lacs on the date of the auction, and the balance amount of Rs. 6.15 lacs was deposited subsequently on 11.11.2009 by pay order. The order sheet shows that thereafter, the auction purchaser repeatedly appeared to claim that the auction be confirmed.

However, the application of the auction purchaser repeatedly was found not to be on record, and the fact of the matter is that till date no order has been passed by the court confirming the auction in favour of the auction purchaser.

It appears that in the meantime, the parties decided to settle the disputes in mediation. The order dated 17.12.2015 shows that the disputes between the decree holder and the judgment debtor has been settled wherein the decree holder would receive a sum of Rs. 8 lacs from the judgment debtor in full and final settlement of the decree.

Under these circumstances, there is no justification to continue to hold the amount deposited by the auction purchaser who appears to be no longer interested in the auction sale to be confirmed in his favour. Accordingly, the application is allowed.

The Registry is directed to release the entire amount deposited by the auction purchaser alongwith accrued interest thereon in favour of the auction purchaser forthwith.

VIPIN SANGHI, J

FEBRUARY 03, 2016

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