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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. 52/2017 & EA No.238/2017 (for directions)
PRAHLAD RAI ANAND Decree Holder

Through: Mr. Jatinder Kumar Sethi, Adv.

Versus

AMAR NATH ANAND (DECEASED)

THROUGH: LRS & ORS

..... Judgement Debtors

Through: Mr. K.K. Sharma, Sr. Adv. with Mr.
Rajesh Chhetri, Ms. Meenakshi
Rawat & Mr. Rajeev Chhetri, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **26.05.2017**

1. Execution is sought of a decree dated 16th May, 2016 in CS(OS) No.844/1999.
2. While passing the decree, the Court has already appointed a Commissioner to sell the property of which sale is sought in this execution.
3. I have enquired from the counsel for the decree-holder as to why the decree-holder has not approached the Commissioner for sale of the property.
4. The counsel for the decree-holder seeks to withdraw the execution petition with liberty to take the appropriate steps.
5. The senior counsel for the judgment-debtors No.4(a) and (b) states that the decree-holder has already agreed to sell his share in the property to judgment-debtors No.4(a) and (b).
6. Dismissed as withdrawn with liberty aforesaid.

7. It is clarified that the other reliefs claimed by the decree-holder, of the injunction against the judgment-debtors, are also not to be granted in execution and the decree-holder if so desires is at liberty to take the appropriate steps in that regard as well.

8. It is further clarified that it will be open to the decree-holder to take appropriate pleas in the subsequent proceeding, of having not sold his share in the property.

RAJIV SAHAI ENDLAW, J

MAY 26, 2017

‘gsr’..