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

% **Date of decision: 27th September, 2021**

+ CM(M) 226/2021 & CM No.10190/2021 (for Stay), CM No.26074/2021 (for appointment of Local Commissioner and CM No.32613/2021 (for clarification/correction of order dated 07.07.2021)

VINAY BASRA Petitioner

Through Mr. Ankit Kumar, Advocate

versus

KRISHAN LAL BASRA AND ORS. Respondents

Through Mr. Yogesh Kumar Jagia, Advocate
for respondent No.1
Mr. Roshan Lal Goel, Advocate for
respondent No.14/NDMC

AND

+ CONT.CAS(C) 533/2021

KRISHAN LAL BASRA Petitioner

Through Mr. Yogesh Kumar Jagia, Advocate

versus

VINAY BASRA & ANR. Respondents

Through Mr. Ankit Kumar, Advocate for
respondent No.1

CM(M) 226/2021 & CONT.CAS(C) 533/2021

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CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL
[VIA VIDEO CONFERENCING]

AMIT BANSAL, J. (Oral)

CM(M) 226/2021 & CM No.10190/2021 (for Stay), CM No.26074/2021 (for appointment of Local Commissioner and CM No.32613/2021 (for clarification/correction of order dated 07.07.2021)

1. The present petition was filed under Article 227 of the Constitution of India impugning the orders dated 19th February, 2021 and 05th March, 2021 passed by the Executing Court in the execution petition bearing Ex. No.1225/2017, whereby (i) cost of Rs.1,00,000/- was imposed on the petitioner/judgment debtor no.1(b); and, (ii) the application filed on behalf of the petitioner/judgment debtor no.1(b) under Order XXI Rule 28 of the Code of Civil Procedure, 1908 (CPC) was dismissed.
2. In the present proceedings before this Court, *inter se* bidding between the parties for purchasing the suit property was conducted in terms of which the respondent no.1 was declared successful bidder, having made the highest bid of Rs.5,05,00,000/-. The respondent no.1 along with one Mrs. Upma Sharma, wife of Mr. Sanjay Sharma, resident of C-65, Inder Puri, New Delhi has deposited a sum of Rs.1,89,37,500/- with the Registrar General of this Court in respect of the remaining 37.5% share in the property belonging to (i) the petitioner and respondents no. 2 to 6 (jointly holding 16.66% share); (ii) the respondents no. 8 and 9 (jointly holding 16.66% share); and, (iii) the respondent no. 13 (holding 4.16% share).
3. When the matter came up before this Court on 07th July, 2021, it was

ordered as below:

“3. In view of the submissions made by learned counsel for the petitioner, it is directed that the petitioner shall execute the Conveyance Deed in respect of his 1/6th share in the suit property No. 12A/26, Western Extension Area (WEA), Karol Bagh, New Delhi within 10 days of this order. The petitioner is also directed to handover to the respondent No.1 the complete and vacant possession of his share of the suit property within 30 days of the execution of the Conveyance Deed.

4. Since it is submitted by learned counsel for the respondent No.1 that the consideration in the form of the FDR for Rs.1,89,37,500/- is inclusive of the share of respondents No. 8 and 9, on his request, it is directed that they also shall execute the Conveyance Deed in favour of respondent No. 1 or his nominee within the said time.”

4. Subsequently an application, being CM No.26074/2021 was filed on behalf of the respondent no.1 seeking appointment of a Local Commissioner under Order XXVI Rule 10B of the CPC to execute and register a conveyance deed in compliance of the order dated 07th July, 2021 passed by this Court as the petitioner and respondent no.8 failed to comply with the directions of the Court passed on 07th July, 2021.

5. The petitioner has also filed an application, bearing CM No.32613/2021 under Section 152 of the CPC for clarification/correction of the order dated 7th July, 2021 insofar as the petitioner has been directed to execute the conveyance deed in respect of 1/6th share of the suit property instead of his 1/72nd share in the said property and is not authorized to execute the conveyance deed on behalf of the respondents no.2, 3, 4, 5 and 6, who altogether constitute 16.66% share of the suit property i.e., share amounting to 1/6th of the suit property. Learned counsel for the petitioner

states that the petitioner has no objection to execute the conveyance deed to the extent of his share, which according to the petitioner is 1/72nd of the total property.

6. Since the conveyance deed still has not been executed, nor has the vacant possession of the suit property been given to the respondent no.1/Mrs. Upma Sharma, I hereby appoint Mr. Anil Kaushal, Registrar of this Court (Mobile No.9910390949) as the Local Commissioner to execute the conveyance deed in favour of Mrs. Upma Sharma. The fee of the Local Commissioner is fixed at Rs.50,000 to be paid by the respondent no.1.

7. The Local Commissioner shall also ensure that the peaceful and vacant possession of the suit property is handed over to the respondent No.1/Mrs. Upma Sharma. In case the judgment debtors do not cooperate with the Local Commissioner, the Local Commissioner will be free to take help of the local police.

8. Let the aforesaid exercise be completed within 30 days.

9. The petition and the pending applications are disposed of in above terms.

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10. In view of the orders passed in CM(M) 226/2021, no further orders are required in the present contempt petition. The same is disposed of.

AMIT BANSAL, J.

SEPTEMBER, 27, 2021
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