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

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*Decision delivered on: 23.01.2024*

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**EFA(OS) 3/2024 & CM Nos.3963-65/2024**

RITA WADHWA

..... Appellant

Through: Mr Anil Airi, Sr Adv. with Ms  
Nandni Sahni and Mr Sachin  
Bandooni, Advs.

versus

SAJIV SARIN (DECEASED) THROUGH  
LEGAL HEIRS AND ORS.

..... Respondents

Through: Mr Yakesh Anand and Ms Sonam  
Anand, Advs.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):****CM No.3965/2024 [Application filed on behalf of the appellant seeking  
condonation of delay of 11 days in filing the appeal]**

1. This is an application filed by the appellant seeking condonation of delay in filing the appeal.
  - 1.1 According to the appellant, there is a delay of 11 days.
2. Mr Yakesh Anand, who appears on behalf of the respondents, says that he would have no objection if the delay is condoned.
  - 2.1 It is ordered accordingly.
3. The application is, accordingly, disposed of.



**CM No.3964/2024**

4. Allowed, subject to the appellant filing legible/translated copies of the annexures, at least three days before the next date of hearing.

**EFA(OS) 3/2024 & CM No.3963/2024** [*Application filed on behalf of the appellant seeking interim relief*]

5. Issue notice.

5.1 Mr Yakesh Anand accepts notice on behalf of the respondents.

6. With the consent of learned counsel for the parties, the appeal is taken up for hearing and final disposal at this stage itself.

7. This appeal is directed against the order dated 06.12.2023 passed by the learned Single Judge.

8. The operative directions issued by the learned Single Judge which are contained in paragraph 16 of the impugned order read as follows:

*“16. In light of the aforesaid, the Court considers it apposite to appoint a Local Commissioner to execute the final decree dated 14<sup>th</sup> August, 2019, in respect of the sale of the suit property. Counsel for the parties, upon a specific query of the Court, have requested for the appointment of another Local Commissioner. Accordingly, the following directions are issued:*

- (a) *Mr. Shashank Garg, Advocate [Contact No. +91 9811526671] is appointed as the Local Commissioner.*
- (b) *In the first instance, the Local Commissioner shall conduct inter se bidding amongst the parties for the suit property, bearing No. B-1/23, Vasant Vihar, New Delhi. The parties shall submit their respective inter se bids in sealed cover to the Local Commissioner.*
- (c) *In the event that the inter se bidding is unsuccessful, the Local Commissioner shall put the suit property to sale by way of public auction in accordance with the due process in terms of Order XXI of the Code of Civil Procedure, 1908. The reserve price for the auction is fixed at INR 39 Crores, as determined by the Court-appointed Valuer. The Local Commissioner shall, in consultation with the parties, decide a mutually convenient date for conducting sale of the suit property by way of auction.*



- (d) *Counsel for the Decree Holder shall draw up a draft proclamation for sale of the suit property and, with advance notice to the Judgement Debtor, place the same before the Joint Registrar for approval, who shall finalise the proclamation of sale and direct its publication on a specified date. In the proclamation of sale, it shall be clearly mentioned that all the parties are willing to convert the suit property for leasehold to freehold by executing all necessary documents.*
- (e) *Proclamation of sale, as settled by the Joint Registrar, shall be affixed at a conspicuous part of the suit property and displayed on the notice board of the Sub-Divisional Magistrate (SDM) of the district where the suit property is located, as well as the notice boards of this Court and the District Courts of Delhi. The proclamation of sale shall also be published in two widely circulated newspapers in Delhi, in English and Hindi editions, the cost whereof shall be borne by the parties and accordingly deducted from the sale consideration.*
- (f) *Fee of Local Commissioner shall be fixed at INR 2,00,000/- which shall be borne by the parties, based on their respective shares in the property.*
- (g) *The Local Commissioner shall prepare a comprehensive report and furnish the same to the Court before the next date of hearing."*

9. Mr Anil Airi, learned senior counsel, who appears on behalf of the appellant, on instructions from Ms Nandni Sahni, Advocate, states that, apart from anything else, the appellant would be satisfied if the impugned order is modified to the extent that *inter se* bids submitted by the parties to the Local Commissioner (LC), as provided in Clause (b) of Paragraph 16, are directed to be made available to parties for examination, i.e., are not kept in a "sealed cover".

10. Mr Anand says that he would have no objection if this part of Clause (b) of Paragraph 16 is modified.

11. Accordingly, with the consent of learned counsel for the parties, Clause (b) of paragraph 16 is modified to the extent that the parties would be entitled to look at each other's bids submitted to the LC.

12. Needless to add, the parties will have the right to improve their respective bids.



13. The remaining directions issued by the learned Single Judge, as extracted above, will remain unaltered.

14. At this stage, learned counsel for the parties jointly submit that it would be in the interest of the parties if the *inter se* bids also indicate the timeframe in which money will be paid.

14.1 It is ordered accordingly.

15. This shall also form part of the modified Clause (b) of paragraph 16 of the impugned order.

16. The appeal is disposed of, in the aforesaid terms.

17. Parties will act based on the digitally signed copy of the order.

**RAJIV SHAKDHER, J**

**SUDHIR KUMAR JAIN, J**

**JANUARY 23, 2024**

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