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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ EFA(OS) 20/2024 & CM Nos.55964-65/2024

AKASH GUPTA

.....Appellant

Through: Mr Hrishikesh Baruah, Mr Rudraksh
Kaushal and Mr Kumar Kshitij, Advs.

versus

NAVEEN KUMAR GUPTA & ANR.

.....Respondents

Through: Ms Mallika Gupta, Adv. for R-1.
Mr Ajay Kanojia, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **23.09.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.55965/2024

1. Allowed, subject to just exceptions.

**EFA(OS) 20/2024 & CM No.55964/2024 [Application filed on behalf of
the appellant seeking interim relief]**

2. This appeal is directed against the order dated 09.09.2024 passed by the learned Single Judge in Execution Application (OS) No.1445/24 preferred in Ex. Petition No. 327/2013. The substantive prayers made in the appeal read as under:

“(A) Set aside the Order dated 09.09.2024 passed by the Learned Single Judge of this Hon’ble Court in Ex. Appl. [OS] No.1445 of 2024 in Execution Petition No. 327 of 2013; and

(B) Set aside the Order dated 09.09.2024 passed by the Learned Single Judge of this Hon’ble Court in Execution Petition No.327 of 2013.”

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3. Mr Hrishikesh Baruah, who appears on behalf of the appellant, says that the learned Single Judge has while issuing notice in the application directed that 50% of the subject property in terms of the award dated 05.04.2013 should be handed over to the decree holder.

4. We may note that the learned Single Judge has observed that the decree holder has paid the stamp duty proportionate to his 50% share in the subject property.

5. Although, Ms Mallika Gupta, who appears on behalf of respondent no.1/decreed holder, says that the entire stamp duty has been paid, this assertion is contested by Mr Baruah.

6. Ms Gupta says the impugned order had been given effect and that the decree holder has taken possession of 50% of the subject property, i.e., farmhouse.

6.1 Once again, Mr Baruah, on instructions, disputes this position.

7. Given this position, the appeal is disposed of with a direction that party in possession of 50% of the subject property shall maintain *status quo* as regards title and possession.

8. The learned Single Judge will inquire into the matter as to who exactly is in possession of the subject property.

8.1 The parties are also given liberty to move an application before the learned Single Judge for appointment of a Local Commissioner for discerning this aspect of the matter.

9. We may note that Ms Gupta says that the SHO, Bawana has been instrumental in giving effect to the impugned order.



10. The learned Single Judge will be at liberty to seek a status report from the SHO.
11. All rights and contentions of the parties will remain open.
12. The appeal is disposed of in the aforesaid terms. Consequently, the pending application shall stand closed.
13. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 23, 2024/aj

[Click here to check corrigendum, if any](#)