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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 15th October, 2024***

+ **CM(M) 3614/2024 & CM APPL. 60576-60577/2024**

MUNICIPAL CORPORATION OF DELHI

.....Petitioner

Through: Mr. Sanjeev Sagar, Standing counsel
and Ms. Nazia Parveen, Advocates.

versus

PREM SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. MCD, in the capacity of it being a Judgment Debtor, is facing Execution Petition.
2. The decree in question was passed way back in the year 1996.
3. By virtue of order dated 30.09.2024, the learned Executing Court has directed the Commissioner, MCD to appear in person, in order to have necessary clarification regarding the suit property as it was noticed that despite issuance of *warrant of possession* on number of occasions earlier, the same could not be executed.
4. The above said order insisting for personal appearance of Commissioner, MCD is under challenge.
5. During course of the arguments, it was stated by learned counsel for MCD that on earlier occasions, requisite assistance was given to the learned Executing Court and besides MCD, GNCTD and Union of India are also



Judgment Debtors, Union of India, being the owner and GNCTD, being user of such land.

6. During course of the consideration today, it was also apprised that the matter is fixed up before the learned Executing Court today itself at 12:30 p.m. for the personal appearance of Commissioner, MCD.

7. When asked, learned counsel for petitioner/MCD submitted that it will be ensured that the Competent Senior Officers from MCD appear before the learned Executing Court to render fullest assistance and cooperation to the learned Executing Court to enable Court reach appropriate and logical conclusion, without any further delay.

8. It was also informed that Assistant Commissioner- Mr. Arvind Kumar, Executing Engineer- Mr. Keshav Dev Sharma and he himself (Mr. Sanjeev Sagar, Advocate) would appear today itself before the Executing Court.

9. In view of the above, the present petition is disposed of with the direction that the above said Assistant Commissioner, Executing Engineer and Mr. Sagar, would appear before the learned Executing Court today itself at 12:30 P.M. for the above said purpose. It is, however, clarified that if for whatever reason, the Court is, eventually, not satisfied with the explanation given by them, it will be upto the learned Executing Court to pass any further direction, as it may deem fit and necessary.

10. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 15, 2024/sw