



2025:DHC:4752-DB



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

Date of decision: 30.05.2025

+ EFA(OS) 10/2025

LATE SH. RAMESH CHAND SHARMA THROUGH LRS.

.....Appellant

Through: Ms. Shalini Kapoor, Ms.
Divyanshi Saxena, Mr. Udit
Bhatiani, Advs. with LR's of
appellant

versus

LATE SH. MAHESH CHAND SHARMA THROUGH LRS
AND ORS

.....Respondents

Through: Mr. Samrat Nigam, Sr. Adv.
with Mr. Bhuvnesh Sehgal, Ms.
Arpita Rawat, Advs. for R1(a-
c) and R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 35728/2025 (Exemption)

1. Allowed, subject to all just exceptions.

EFA(OS) 10/2025 and CM APPL. 35727/2025

2. This appeal has been filed challenging the Order dated 21.05.2025 passed by the learned Single Judge of this Court in Ex.P. 74/2024, titled *Late Sh Mahesh Chand Sharma Through Lrs & Ors. v. Late Sh Ramesh Chand Sharma & Ors.*, whereby the learned Single Judge appointed a Court Auctioneer/Local Commissioner to conduct the sale of the subject property through the Court Auction



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process.

3. The limited grievance of the appellant against the Impugned Order is that by the Judgment and Decree dated 31.07.2012 passed by this Court in CS(OS) 2113/2001, titled ***Shri Mahesh Chand Sharma v. Late Sh. Ramesh Chand Sharma (now deceased) Through his Lrs.***; and CS(OS) 714/2003, titled ***Smt. Indra Devi Shandilya and Ors. v. Shri Rahesh Chand Sharma v. Late Sh. Ramesh Chand Sharma (now deceased) Through his Lrs.***, it had been directed that the first attempt for the sale of the subject property would be in the form of an *inter se* auction between the parties, and it is only if the subject property cannot be sold by an *inter se* auction amongst the parties, then the parties, as per their shares in the subject property in the preliminary decree, shall proceed to sell the subject property by means of a public auction, or any other method.

4. The learned counsel for the appellant submits that the learned Single Judge has not explored the option of an *inter se* auction between the parties, before directing a Court Auction.

5. The learned counsels for the respondents, who appear on advance notice of this appeal, submit that the parties have explored all possible methods of sale *inter se*, including *inter se* bidding in the mediation proceedings that were pending before the mediator. It is only when the mediation proceedings failed and the parties could not arrive at a settlement, that the Impugned Order was passed.

6. They, however, without prejudice to the rights and contentions of the respondents, submit that the Court Auctioneer/Local



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Commissioner appointed by the learned Single Judge by way of the Impugned Order can first conduct an *inter se* auction of the subject property between the parties in terms of the Judgment and Decree dated 31.07.2012, and in case the same fails, then the Court Auctioneer/Local Commissioner can proceed towards a Court Auction as directed by the learned Single Judge.

7. This Court finds this suggestion of the learned counsels for the respondents to be acceptable. The same is also accepted by the learned counsel for the appellant.

8. Therefore, with the consent of the parties, the Impugned Order is modified to the limited extent that the Court Auctioneer/Local Commissioner shall first conduct an *inter se* auction of the subject property between the parties in terms of the Judgment and Decree dated 31.07.2012 passed in the abovementioned Suits, and in case of failure thereof, then proceed for the Court Auction as directed by the learned Single Judge.

9. The appeal, along with the pending application, is disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 30, 2025

Pallavi/MY/SJ

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