

EX117/23

RAKESH SETH Vs. RAJ KUMAR @ RAJA BHATNAGER

01.03.2024

One of the regular stenographer is on leave today.

Present : Sh. Vikram Seth, Ld. Counsel for the DH.

Ld. Counsel for the DH submits that on account of resistance and obstruction posed by the occupiers of the property bearing no. 165, J&K Block, Laxmi Nagar, Delhi-110092 warrant of possession issued vide order dated 08.01.2024 in respect of the said property could not be executed and prays for the police aid to the Bailiff and permission to break open the locks of the said property as three shops on the said shop were found locked on the said property.

Ld. Counsel for the DH already moved an application under Section 151 CPC for praying for police assistance to the Bailiff as well as breaking open the locks for the execution of warrant of possession.

Submission heard and report of the Bailing perused.

The statement of the bailiff has been recorded separately in this regard today in the Court.

In view of the facts and circumstances of the present matter as well as the report and statement of the Bailiff, it is

evident that it is not possible to execute the warrant of possession of the said property without the police aid and without permitting the Bailiff to break open the locks of the said property.

Therefore, the application filed by the Decree Holder under section 151 of CPC stands allowed.

Let fresh warrant of possession of immovable property bearing municipal no. 165, J&K Block, Laxmi Nagar, Delhi-110092 be issued against the Judgment Debtors on filing of PF with permission to break open the locks of premises in question and police aid.

The concerned SHO is directed to provide the required police assistance including assistance of women police personnel to the Bailiff for the execution of the warrant of possession of the property bearing no. 165, J&K Block, Laxmi Nagar, Delhi-110092.

Be put up for appointment of bailiff before Ld. ACJ on **13.03.2024** and before this court on **15.04.2024**. PF be filed within a week.

DH shall file an affidavit alongwith PF on record that there is no stay as on date. Needless to state the bailiff has to inquire about any stay prior to carrying the execution.

(SOMITRA KUMAR)
ADJ-06,EAST/ KKD COURTS
DELHI/01.03.2024 (s)