

15.07.2025

Present: Ms. Sarita Gupta, Sh. Honey Kaushik & Sh. Nitin Goel, Ld.  
counsel for DH.  
Ld. counsel for JD.

1. JD has filed reply to show cause issued in terms of order dated 29.05.2025. Vide the said order, JD was asked to show cause as to why his property attached in terms of order dated 22.04.2025 (executed on 03.05.2025) be not put to auction to recover the decretal amount.
2. In response thereto, JD has *inter alia* claimed that since in order dated 29.05.2025, the term 'movable property' is used instead of 'immovable property', therefore, his property be not put to auction. He has also argued that the order of issuance of show cause to the JD as well as the original decree/judgment has been challenged by the JD before the Hon'ble High Court of Delhi and therefore, his property should not be put to auction.
3. With the consent of parties, arguments (on the point as to whether the immovable property of JD lying attached with this court i.e. Third Floor of property bearing no. C-2/100, Yamuna Vihar, Delhi-110053, area measuring 35 square metres with roof rights upto sky level along with whole of structure constructed whatsoever thereon, be ordered to be put to auction or not) heard.
4. As far as the contention of JD that since the order dated 29.05.2025 (whereby show cause notice was issued to the JD to give reasons as to why his property be not put to auction) is concerned, the same is a

typographical error. As already noted, while order dated 22.04.2025 the immovable property of JD, described above, was ordered to be attached and the said process was duly executed on JD on 03.05.2025. while giving show cause, inadvertently instead of stating 'immovable property', the term 'movable property' was written and this would not mean that the immovable property of JD is not attached by the order of this court. Thus, the said contention is misconceived and is declined.

5. Again, only because an appeal (against the original decree) or some order passed in execution has been challenged before the Hon'ble High Court of Delhi by the JD shall not mean that the property of the JD cannot be put to auction for satisfying the decree. Thus, the said contention is also misconceived.
6. It was then argued that the decree holder had wrongly invoked the provisions of Order XXXVII CPC in this case and therefore, the decree should not be executed. An executing court cannot go behind the decree and therefore, the said contention of JD is misconceived.
7. No other contention is pressed before this court.
8. Thus, it appears that JD has no cause to show against the auction proceedings proposed against the aforesaid property. It appears that despite having means to pay under the decree, JD has failed to satisfy the decree till date. JD, as per DH, is liable to pay a sum of over Rs.15.5 lacs and has not paid a single penny till date.
9. At this stage, counsel for DH prays that the property lying attached in this case be put to public auction.
10. Since JD has already been given notice with respect to settlement of

terms of proclamation of sale under Order XXI Rule 54 CPC, there is no need to give separate notice to the JD for the proclamation of sale to be issued.

11. Let the said proclamation of sale be pasted outside the Court room and also be published in the prescribed proforma in two local newspapers i.e. 'Rashtriya Sahara' and 'Statesman'. The proclamation be also brought to the notice of general public as well as to the public through beat of drums.
12. Let decree holder deposit necessary publication charges for publication of notice of sale in 'Rashtriya Sahara' and 'Statesmen' inviting bids for the sale of the suit property. Let notice of sale be also pasted outside the Court room as well as at the suit property. The publication shall take place at least one month prior to the date of auction and decree holder shall bear the expenses of auction including expenses for arranging chairs, tables etc at the spot on the date fixed for auction.
13. The date of auction is fixed as **16.09.2025** and Sh. Abhishek Sharma, Enrl. No. D/2954/2017, Chamber No. D-708, Karkardooma Courts, Delhi, mob: 9716122171 is appointed as Court Auctioneer for carrying out auction of the property i.e. Third Floor of property bearing no. C-2/100, Yamuna Vihar, Delhi-110053, area measuring 35 square metres with roof rights upto sky level along with whole of structure constructed whatsoever thereon. The minimum reserve price of the property will not be less than the prescribed circle rate which is applicable for sale of property in the area. Court Auctioneer shall fix the reserve price of the suit property by making necessary calculations. The auction proceedings shall be video recorded.
14. Concerned SHO is directed to provide police aid including lady police

for carrying out auction proceedings in this case.

15. Decree holder shall be entitled to get reimbursement of the expenses made by him from the sale proceeds along with the decretal amount. The remaining amount, if any, shall be returned to the JD, after confirmation of sale.
16. In the publication to be made, it shall be specifically mentioned that the property shall be sold on 'as is where is basis' and the intended purchaser shall have to verify the factum of ownership/title of the suit property himself. The fees of Court Auctioneer shall be paid as per rules and an amount of Rs. 10,000/- shall be paid in advance to him and the remaining fees shall be paid to him from the sale proceeds.
17. List the matter for further proceeding qua report of Court Auctioneer on 20.09.2025. Copy of this order be given dasti to the parties and be also sent to the concerned Court Auctioneer for information and compliance.

AASHISH GUPTA  
DJ-01/NE/KKD/DELHI  
15.07.2025