

EX 43/23  
MUKESH KUMAR Vs. SUMIT KUMAR

04.06.2025

Present: Ld. Counsel for decree holder with decree holder.  
Ld. Counsel for JD with JD.

Reply to show-cause given on 17.03.2025 filed by JD. Show cause was given to the JD vide the said order calling upon him as to why immovable property of JD inter-alia bearing No. B-62, Gali No. 1, Prem Vihar, Shiv Vihar, Delhi – 110094 be not attached. In response, JD has filed his reply. It is the specific assertion of the DH that in the aforesaid house, JD has 1/5th share in the immovable property and this fact is not denied by the JD in the reply filed. It is claimed by the JD in the reply that he has already been debarred by his parents vide a publication made in newspaper on 13.07.2017. In law, such debarring has no effect because by law of succession, after the death of JD's father, JD would be entitled to 1/5th share in the property presuming that father of JD died intestate and JD being a Hindu.

During the course of arguments, it transpired that JD does not dispute the fact that his father Sh. Sukh Ram died sometime in 2016-2017 and left behind 6 legal heirs in total (3 sons, 2 brothers and one wife). This fact is even admitted by the JD in his reply filed to the application seeking attachment of JD's share in the aforesaid property.

In such circumstances, it is evident that JD has 1/6th share in the aforesaid property and since JD has failed to pay the decretal amount of over Rs. 18 lac (as on date) the said share of JD is liable to attachment. It is ordered accordingly.

Let notice of attachment be affixed outside the property and be also brought to the notice of general public by beat of drums. JD is restrained from creating any third party interest to the extent of his share in the aforesaid property or part with possession or deal with the said property in any manner till further orders of this Court.

JD is put to notice as to why the said property (to the extent of his share) be not put to public auction for recovery of decretal amount. Signatures of JD are taken on this order-sheet to put him to notice of the factum of attachment and also of show-cause given to him.

The copy of this order be affixed outside the aforesaid property alongwith notice to be sent U/O XXI Rule 54 CPC.

List for reply to show-cause and settlement of terms of auction, if required on 14.07.2025.

Let PF be filed and charges for beat of drums be also paid by decree holder.

List before Ld. ACJ (NE) for appointment of bailiff on 06.06.2025.

Aashish Gupta  
DJ-01/NE/KKD/DELHI  
04.06.2025