

EX No:- 1137/17

**CHANDRA KANTA NARANG Vs. JAI DEVI ARORA &
ORS.**

09.02.2023

Present:- Sh. Tarun Tyagi, Ld. Counsel for DH.

JD no. 3 in person.

Other JDs are absent.

Fresh notice issued to JD no. 2 at his Faridabad address not received back.

Perusal of the record shows that vide settlement agreement dated 06.03.2012, all the parties to the present execution petition amicably settled the matter and agreed that since two immovable properties i.e. property bearing no. J-66, Kalkaji, New Delhi-19 and property bearing no. 5, Sewa Nagar, New Delhi (admeasuring 60 sq. yards out of entire property of 100 sq. yards) could not be partitioned amongst them, as such, the same shall be sold out and proceeds of the same shall be divided amongst them in the ratio as decided.

In terms of aforesaid settlement agreement dated 06.03.2012, vide order dated 10.04.2012 Hon'ble Delhi High Court disposed of the suit with directions to all the parties to remain bound by the terms of settlement. The settlement agreement though could not be executed as no buyer is approaching to buy them as both the immovable properties are lease hold properties which require NOC from all its owners

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before L&DO department to be converted into freehold. It is submitted that JD no. 1 had already died on 16.02.2022 and all the remaining parties including DH as well as JDs are willing to give NOC to the concerned department for conversion of the properties in question from lease hold to free hold except JD no. 2, who is deliberately not cooperating and giving his NOC despite repeated requests of the parties.

Perusal of the record shows that since filing of present execution petition on 23.12.2017, JD no. 2 has failed to appear before the Court despite issuance of repeated notices. Out of abundant caution, fresh notice was issued to JD no. 2 on 25.11.2022 and he was reportedly served through whats app on 12.12.2022, yet JD no. 2 failed to appear before the Court.

In these circumstances to ensure that all the parties to the settlement may enjoy the fruits of consent decree, the L&DO department is directed to proceed with conversion of both the aforementioned immovable properties from lease hold to free hold as per rules on receipt of NOC of all the interested parties and should not insist upon NOC on behalf of JD no. 2, who has failed to cooperate with other parties and honour his undertaking given before Mediation Center as well as Hon'ble Delhi High Court for past more than 10 years. The parties are thus, directed to proceed with the process of conversion of both the aforementioned

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immovable properties from lease hold to free hold, to enable their sale eventually.

Copy of this order be given “dasti” to the parties and be also sent to L&DO department for compliance.

Put up for further proceedings on **21.04.2023**.

(Akash Jain)
ADJ-1 (South-East), Saket Court
New Delhi/09.02.2023