

1 EX 1137/17

CHANDRA KANTANARANG Vs. JAI DEVI ARORA

18.03.2024

Present:- Sh. Tarun Narang, Ld. Counsel for DH.
JD no. 3 and 6 in person.
Sh. Prabhu Dayal, official from L&DO department in person.

As per order dated 09.02.2023, directions were issued to all the parties and L&DO to get the property converted from lease hold to free hold on receipt of NOC from all the interested parties.

However, since, JD no. 2 was not appearing in the matter. Ld. Predecessor court had directed L&DO to proceed with the conversion to free hold without insisting of NOC on behalf of JD no. 2. After that date, vide order dated 26.07.2023, JD no. 2 was again summoned and did not turn up.

Court notice was also issued for presence of JD no. 4,5 and 6. Pursuant to that order, only JD no. 6 has appeared. JD no. 1 has stated to be expired during the pendency of the execution petition.

On perusal of record, it is clear that in the present facts and circumstances, Judgment Debtors no.2, 4 & 5 have failed to appear despite service of notice. No fruitful purpose would be served by insisting upon the presence of said Judgment Debtors before the L&DO for the purpose of conversion of the suit property as they do not appear inclined to contest the present execution petition.

On the other hand, it will be extremely burdensome upon the Decree Holder who in any case has been running from pillar to post since 2012, trying to procure the fruits of the decree.

In view of the same, let order dated 09.02.2023 be complied by all the parties. In furtherance to order dated 09.02.2023, the L&DO department is directed to proceed with the conversion of both the properties mentioned in order dated 09.02.2023 without insistence of NOC of JD no. 2,4 and 5. It is made clear that the conversion process should result in the parties having the share as per judgment and consent decree dated 10.04.2012.

In view of submissions and in the light of the record as none has appeared for Judgment Debtors no.2, 4 & 5 despite service of notice, the oral application moved by Decree Holder is allowed. Accordingly, Sh. Harish Mehto, Naib Nazir (Employee Code No.74301095) is appointed by this Court to execute and register necessary documents for the conversion of the suit property in terms of order dated 09.02.2023. Decree Holder and Judgment Debtors no.3 & 6 shall coordinate with Naib Nazir of the Court and L&DO office to meet out the process of conversion. A remuneration amount of Rs.10,000/- shall be paid to the Naib Nazir against receipt by the Decree Holder on the date of execution of Conveyance Deed.

Decree Holder and Judgment Debtors no.3 & 6 to share all the expenses of conversion process and the fees of Naib Nazir in equal proportions, which shall be recoverable from the

sale proceeds.

List for compliance on **14.05.2024**.

Dasti copy of this order along with order dated 09.02.2023 be given to the official of L&DO department.

Dasti copy of this order be also given to Ld. Counsel for DH.

(Rahul Bhatia)
ADJ-1 (South-East), Saket Court
New Delhi/18.03.2024(sk)