

ARUN KUMAR AGGARWAL Vs. SUMAN TIWARI
(Main Matter : Civ DJ/0608280/2016)

09.04.2024

Present: Sh. Chandermal, Ld counsel for the DH.
None for the JD no. 1.

Summons has been served upon JD no. 1 on 14.02.2024. Objections has been received on behalf of Sh. Rahul Tiwari and Sh. Pankaj Tiwari through E-seva on 05.02.2024. However, none is present on their behalf.

Ld counsel for the DH submits that earlier also, the above said objectors have filed the objections and the said objections has been dismissed by the court vide order dated 07.06.2023.

I have perused the objections filed by the abovesaid objectors. In the objections, the objectors are claiming themselves to be sole and exclusive owner of property bearing no. P-1534, Gali no. 15, Baljeet Nagar, Punjabi Basti, New Delhi.

Earlier also, the above said objectors have filed objections claiming themselves, to be sole and exclusive owner of property bearing no. P-1534, Gali no. 15, Baljeet Nagar, Punjabi Basti, New Delhi.

I have perused the order dated 07.06.2023. in the said order, the Ld Predecessor of this court has already considered the above said objections of the objectors and held that “in the best understanding of the court, un-registered agreement to sell coupled with un-registered GPA is not sufficient to confer even prima facie ownership right on the purported purchaser i.e. objectors herein. Consequently, the objections are dismissed.” In the said order, it is also held by Ld Predecessor of this court “in view of the finding written above by this court, it is to be held that above said property is still in the ownership of JD no. 1, Suman Tiwari. Consequently, issue warrant of attachment of property bearing no. P-1534, Gali no.

15, Baljeet Nagar, New Delhi, on filing of PF within 4 weeks.”

As the objections of the objectors regarding having ownership upon the property in question has already been dismissed by this court and no appeal has been filed against the order dated 07.06.2023 and the said order has attained finality. In view of the order dated 07.06.2023, the objections of the objectors stand dismissed.

The above said property has already been attached and notice has already been served upon JD no. 1 for settling the terms of the sale of the above said property. None has appeared on behalf of JD no. 1 for settling the terms of the sale of the above said property JD. In view of the above said facts, the above said property be put on sale by way of court auction.

Let proclamation of the sale of the above said property to the extent of decretal amount be issued as per the following schedule.

- a) The proclamation of the intended sale be published in the English newspaper, ‘The Statesman’ and in Hindi newspaper “Veer Arjun” on or before 15.05.2024.
- b) The proclamation to be made at the conspicuous place of the said property in presence of witnesses of the locality on 10.05.2024 by beat of drums.
- c) The proclamation of sale be affixed on the notice board of this Court on or before 10.05.2024.
- d) Date and time for inspection of the suit property by the prospective buyers within 15 days from the date of sale of the property ie. 07.06.2024.
- e) The date of sale by public auction of the property by court auctioneer is fixed as 07.06.2024. The proceedings for public auction will commence at 11:00 A.M.
- f) The date for filing the report by the Court Auctioneer fixed 05.07.2024.

DH is directed to take necessary steps for the sale of the property in question. Sh. Kanhaiya Lal Choudhary, Advocate, Resident of 1173, 1st floor, Gali Dharam Shala, Kucha Pati Ram, Sita Ram Bazar, Delhi-11, also at 436, Civil Side, Tis Hazari Courts, Delhi. Having mobile no.9868773010 and 9811346152 is appointed as court Auctioneer. 25% of the sale price shall be deposited by the highest bidder on the auction date by way of pay order or demand draft in favour of this

court. The concerned SHO of the area where the property in question falls is directed to provide necessary police assistance, if required by the court Auctioneer.

The minimum reserve price of the property should not be less than prevalent circle rates in the area as well as value of the property mentioned in the valuation report filed by Id. Counsel for the DH today.

The Nazir of the court is directed to prepare the proclamation of the sale of the property in terms of the order 21 rule 66 of CPC on filing of PF by DH. Initially the amount shall be spent by DH for proclamation

The expenses for the sale of above said property shall be borne by the DH and thereafter, he shall be entitled to claim the said expenses from the sale price of the property.

DH is directed to file the valuation report of the auction property within one week.

(SHIV KUMAR)
ADJ-02, West Distt.Tis Hazari Courts
Delhi: 09.04.2024