

ARUN KUMAR AGGARWAL Vs. SUMAN TIWARI

( Main Matter : Civ DJ/0608280/2016)

14.01.2026

Present: Sh. Chandermal, Ld counsel for the DH.

An application under Section 151 CPC for recalling of order dated 10.11.2025 regarding imposing cost upon the DH has been filed on behalf of the DH.

Ld counsel for the DH submits that more than Rs. 30 lacs have been spent in the treatment of nephew of DH, due to which steps could not be taken for the sale of the property of the JD.

In the present case, the order for sale of property of JD was passed on 09.04.2024 and the DH was directed to file PF as well as valuation report of the property of JD and the case was fixed for 05.07.2024 regarding awaiting report regarding sale of property of JD.

On 05.07.2024, it came on record that valuation report and PF not filed by the DH for issuance of proclamation of sale of the property of the JD.

On 05.07.2024, again direction was given to the DH to file valuation report before 05.08.2024 but valuation report not filed by the DH and one more opportunity was given to the DH for filing valuation report on 05.08.2024 and the case was fixed for 23.10.2024.

On 23.10.2024, valuation report was filed by the DH and thereafter, on 10.12.2024, again proclamation order was passed for selling the property of the JD by way of court auction and the case was fixed for 01.04.2025.

On 01.04.2025, report was filed by the Nazir that the DH has not filed PF for issuance of proclamation of sale and the case was fixed for 07.04.2025.

On 07.04.2025, again order for the sale of property of the JD was passed and the case was fixed for 04.07.2025.

On 04.07.2025, again report filed by the Nazir that the DH has not filed PF for issuance of proclamation of sale and the case was fixed for 08.08.2025.

On 28.08.2025, again proclamation order for the sale of the property of the JD was passed and the case was fixed for 10.11.2025.

On 10.11.2025, report was filed by the Nazir that DH has not taken steps for issuance of proclamation of sale as well as conducting of sale by way of court auction. On that day, one more opportunity was given to the DH, subject to cost of Rs. 10,000/- to be deposited with DLSA, west and it was made clear in the said order that no further opportunity shall be given to the DH for taking steps for issuance of proclamation of sale as well as conducting the sale of property of the JD and the case was fixed for 09.01.2026 for the awaiting report of the court auctioneer.

On 09.01.2026, the presiding officer was on leave and report was filed by the Nazir that DH has not filed PF as well as not taken steps for issuance of proclamation of sale and conducting of sale of the property of the JD.

The Court has already given sufficient opportunities to the DH for filing PF as well as taking steps for conducting the sale

of the property of the JD by way of court auction but DH has failed to take the steps.

Considering the interest of justice, last opportunity is again given to the DH to file PF and deposit other expenses and take steps for the sale of the property of the JD by way of court auction and fresh proclamation order has been passed for selling the property of the JD i.e. property bearing no. 1534, Gali no. 15, Baljeet Nagar, New Delhi and the said property be put on sale as per 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 31.01.2026.
- b) The proclamation to be made at the conspicuous place of the said property in presence of witnesses of the locality on or before 31.01.2026 by beat of drums.
- c) The proclamation of sale be affixed on the notice board of this Court as well as on the notice board of the concerned collector on or before 31.01.2026.
- d) The date of sale by public auction of the property by court auctioneer is fixed as 09.03.2026. The proceedings for public auction will commence at 11:00 A.M.
- e) Date and time for inspection of the suit property by the prospective buyers within 15 days before the date of sale of the property ie.09.03.2026.
- f) The date for filing the report by the Court Auctioneer fixed as on or before 13.03.2026.

DH is directed to take necessary steps for the sale of abovesaid property. 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.

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 issuance of proclamation of sale as well as auction of the above-said property.

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.

PF, publication charges as well as other expenses be deposited within 07 days.

The application for waiving of cost is kept pending for consideration.

Put up on **22.01.2026** for report of the Nazir regarding deposit PF, publication charges and other expenses by the DH and the case is also fixed for **13.03.2026** awaiting report of the court auctioneer.

***Copy of this order be sent to Court Auctioneer and also given dasti to the DH.***

(SHIV KUMAR)  
DJ-02 (W)THC:Delhi  
14.01.2026