

Ex (Comm) No. 52-25
Darshan Kumar Arora Vs. Kumarsons Auto Pvt. Ltd.

10.02.2025

Present:- Sh. Rajiv Mehra, Ld. Counsel for DH with DH.

Ld. Counsel for DH has filed an affidavit of DH that JD was granted time till 30.06.2025 to handed over the peaceful and vacant possession of the suit property by Hon'ble Delhi High Court, subject to paying the decretal amount and further, subject to filing of an affidavit / undertaking regarding handing over of the peaceful and vacation possession of the suit property to the DH by the JD within three weeks from 08.10.2024.

However, Ld. Counsel for DH submits that till date JD has not filed such affidavit, therefore, he prays that decree be executed.

In view of affidavit of DH that JD has not filed an affidavit / undertaking regarding clearing all pending arrears of rent / mesne profits and to hand over the peaceful and vacation possession of the suit property to the DH within three weeks from 08.10.2024, as per order dated 08.10.2024 passed by Hon'ble High Court in RFA (Comm) No. 431/2024, I am satisfied that JD has not complied with the said order, hence, time till 30.06.2025 to vacate the suit property will not be available to him.

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In these circumstances, issue warrants of attachment to attach the properties of JD for recovery of decretal amount as well as warrants of possession for taking the possession of the suit property i.e. *western portion of First Floor of property no. 1562, Church Road, Kashmere Gate, Delhi-110006 consisting of two rooms, store, W.C. and bathroom and mezzanine floor / loft over and above a room* on filing of PF. PF be filed within a week.

Let DH to appear before Ld. ACJ for appointment of bailiff on **28.02.2025**. Bailiff to furnish his report on or before **17.03.2025**. Bailiff is permitted to take police assistance as well as to break open the door, if premises is found locked.

Concerned SHO is directed to provide necessary police assistance to the bailiff for execution of warrants, if requires.

(Sanjeev Kumar Aggarwal)
District Judge (Commercial Court)-01,
Central, Tis Hazari Courts,
Delhi/10.02.2025