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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 191/2025

MR. ARUN MOHAN CHANDRA

.....Petitioner

Through: Mr. Meet Malhotra, Senior Advocate
with Mr. Ravi S.S. Chauhan and Ms.
Pallak Singh, Advocates.

versus

ARJUN MOHAN CHANDRA & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **30.01.2025**

CM APPL. 5860/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 191/2025 & CM APPL. 5859/2025 (stay)

1. This is a petition under Article 227 of the Constitution of India challenging the order dated 23.01.2025 passed by the Executing Court in EX.P. No. 422/2022.
2. The factual background is that consent decree for partition of property was passed in the year 2012.
3. Petitioner filed execution with request to sell the property through a Court appointed auctioneer.
4. In the execution application, Executing Court directed the respondents to find a local buyer. The Executing Court also directed the petitioner to



produce the original documents of the property in question.

5. Learned counsel submits that petitioner resides in USA and that notarized copies of the documents were provided to the Court but the Court insisted on providing the originals under the threat of fine. Furthermore, the Executing Court directed that the amount deposited with the Registrar of High Court be disbursed to the parties, a relief never sought by the petitioner in the execution application.

6. It is submitted that petitioner has only been asking for the appointment of receiver/auctioneer to sell the property.

7. The main issue before is whether the Execution Court's refusal to appoint the receiver/auctioneer to sell the property and its insistence on producing the documents and for disbursement of the amount lying in the High Court is improper exercise of the discretion.

8. Matter requires consideration.

9. Issue notice to the respondent subject to taking the requisite steps, returnable for 14.07.2025.

10. In the meanwhile, the trial Court is directed not to insist on the production of original documents and disbursement of money, provided the petitioner produces the certified copies.

11. A copy of this order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J

JANUARY 30, 2025/vp /ia