



2026:DHC:5464

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 234/2020

NAWABUDDIN

..... Plaintiff

Through: None.

versus

SALAHUDDIN & ANR.

..... Defendants

Through: Mr. Rajshekhar Rao, Sr. Adv. with

Mr. Abdul Jameel, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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29.05.2024

1. This hearing has been done through hybrid mode.

I.A. 30985/2024 (for clarification) in CS(OS)-234/2020

2. This is an application filed on behalf of the Defendant No.2- Sh. Qayamuddin seeking clarification of the order dated 16th May, 2024.

3. Issue notice in the application through Id. Counsel.

4. The stand of the Defendant No.2 is that the substitution of his brother Mr. Jamaluddin in his place happened out of deception, hence the sale ought not to proceed further. The concerned paragraph of the order dated 16th May, 2024 has been extracted below:

‘8. As per the above affidavit, Mr. Qayamuddin - Defendant No.2 has exchanged his share in Property bearing no.B-7, Nizammuddin West, New Delhi with Mr. Jamaluddin share in G-30, Nizamuddin West, New Delhi. Thus, Defendant No.2 now does not claim any right and has exchanged his share with Mr. Jamaluddin. Thus, the share of Defendant No.2 would now vest with Mr. Jamaluddin.’



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5. In the opinion of this Court, after hearing the parties, a detailed order was passed on 16th May, 2024. The Court has already directed the sale of the suit property. A clear representation was made to the Court that the share of Mr. Qayamuddin has been exchanged with Mr. Jamaluddin. In fact some of the parties were even present before the Court on the said date.
6. Accordingly, it is directed that if there is any dispute in respect of the share of Defendant No.2, once the sale has been effected, the amount can be directed to be secured in this Court instead of being released to Mr. Jamaluddin, till the issue is decided. The auction need not be postponed or cancelled. As per the order dated 16th May, 2024, M/s Railtel has to file its report before this Court before confirmation of sale. Accordingly, the dispute relating to Defendant No.2 shall be considered on the next date of hearing.
7. Issue notice. In the meantime, a reply be filed by the other defendants and the Plaintiff.
8. List on the date fixed *i.e.*, 23rd August, 2024.

PRATHIBA M. SINGH, J.

MAY 29, 2024

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