



\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(EFA)(COMM.) 2/2020, , EX.APPL.(OS) 221/2023,
EX.APPL.(OS) 224/2023, EX.APPL.(OS) 1609/2023, EX.APPL.(OS)
226/2024

COLLMAN ASIA PTE LIMITEDDecree Holder

Through: Mr. Vinam Gupta, Mr. Aamir Siraj,
Advs.

versus

STABILIG INFRA PTE LIMITED & ANR.Judgement Debtors

Through: Mr. Asutosh Lohia, Mr. Rohit
Saraswat, Mr. Sharan Mehta, Mr.
Karan Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% 21.08.2024

EX.APPL.(OS) 1086/2024

1. This is an application by the decree-holder seeking permission for the properties in question to be auctioned at a reduced reserve price of Rs. 11 crores.
2. Mr. Lohia, learned counsel for the judgment-debtor states that in case wide publicity is given to the auction, it may still fetch a price of Rs. 15 crores or above.
3. For the said reasons, let the publication be made in newspaper of the choice of the judgment-debtor for which the cost shall be borne by the judgment-debtor.
4. The cost of the publication shall be paid within 15 days of the



newspapers being finalized.

5. The choice of the newspapers will be given by the judgment-debtor within 1 week from today and thereafter the cost of publication will be deposited within 2 weeks thereafter.

6. List on 02.09.2024 before Joint Registrar (Original).

CRL.M.A. 24493/2022

7. This is an application seeking initiation of perjury proceedings against judgment-debtor No. 2 with respect to the affidavit filed on 13.07.2022 regarding immovable properties.

8. It is stated that the property bearing Khasra No. 1617 (2-16), 1623 (2-8), 1630 (4-3) and 1631 (2-13) admeasuring 12 bighas (i.e. 2.5 acres) situated in the revenue estate of Village Asola, Tehsil Mehrauli, District South West, New Delhi was not disclosed in the list of assets.

9. My attention has been drawn to the reply filed on behalf of the judgment-debtors to the application wherein the judgment-debtor has stated in para 4 of the reply on merits as under:

“4. That the averments in Para No. 4 of the Application under reply are non-descript, frivolous, vexatious, illusory, perfunctory, moonshine and hence denied. Each averment stated in Para under reply is vehemently denied as if individually adverted to and specifically denied. It is submitted that the said land bearing Nos 1617(2-16), 1623 (2-8), 1630 (2-13) ad measuring 12 bighas (i.e. 2.5 Acres) situated in the revenue estate of village Asola, Tehsil Mehrauli, District South West, New Delhi, India belongs to to Ms. Meenakshi Agarwal. The said land has been transferred to her by the Judgment Debtor No. 2, under the aegis of this Hon’ble Court in Ex. Petition No. 40/2017. The conspectus of the said transfer can be briefly and deftly perused from the Order dated 24.01.2019, 22.05,2019 and 20.08.2019 in Ex. Petition No. 40/2017, which are annexed to the present reply as ANNEXURE A (COLLY.). It is



submitted that the Applicants have mistakenly (if not maliciously) filed a frivolous petition, based on their (purported) diligent, yet inconsequential, searches. Even otherwise, the Applicant should be put to strict proof for the (purported) diligent search made by them, which has only lead to wastage of precious judicial time. The answering Respondents crave(s) leave of the Hon'ble Court to refer and rely upon the averments made in preliminary submissions herein-above, since the answering respondents are advised to be brief."

10. Since a Sale Deed with respect to the said property was already executed on 22.05.2019 and the said property was not belonging to the judgment-debtor No. 2 on the date when the affidavit of 13.07.2022 was filed, there is no false statement on affidavit by judgment-debtor No. 2.
11. For the said reasons, the application is dismissed. However, judgment-debtor No. 2 shall bring on record the Sale Deed dated 22.05.2019 within 4 weeks from today.
12. In case the Sale Deed is not filed, the application will be revived.
13. Application is disposed of in the aforesaid terms.

JASMEET SINGH, J

AUGUST 21, 2024/DM

[Click here to check corrigendum, if any](#)