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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ EX.P. 39/2022

ESVINDER SINGH & ORS. Decree Holders
Through: Mr. C.M. Lall, Sr. Adv. with
Mr. Jatin Sharma, Adv.

versus

CHASVINDER SINGH & ORS. Judgement Debtors
Through: Mr. Raman Kapur, Sr. Adv.
with Ms. Suman Malhotra and
Mr. Saatwic Malhotra, Advs.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA

% **ORDER**
15.03.2023

EX. APPL. (OS) 243/2023

1. Mr. Lall, learned senior counsel appearing for the applicant, submits that in light of the statement which was made before the Court on the last occasion and since no further construction is being undertaken, the instant application may be closed.

2. Ordered accordingly.

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3. The instant execution petition has been preferred in respect of a final partition decree which came to be rendered on 20 May 2018. The details of the properties which form part of that decree are set forth in paragraph 4 of the judgement of the Court and are extracted hereinbelow: -

"S. No.	Description of property	Chasvinder Singh & Family Share % (Defendants No. 1 & 5 to 7)	Esvinder Singh & Family Share % (Plaintiffs No. 1 to 3)
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1.	30-C/78, West Punjabi Bagh, New Delhi – 110026	60	40
2.	Plot No. 185, Sec-4, IMT- Manesar, Haryana.	60	40
3.	Factory, Village Kheri, P.O. Trilokpuri, Kala Amb, Tehsil-Nahan, Distt. Simour-173030, H.P.	60	40
4.	A-10, Wazirpur Industrial Area, New Delhi -110052	50	50
5.	C-8, SMA Co-op, Industrial Estate, G.T. Karnal Raod, Delhi – 110033.	50	50
6.	1584, 1606-1607, Gali No. 31, Naiwalan, Karol Bagh, New Delhi - 110005	50	50
7.	1964-68, Bank Street, Karol Bagh, New Delhi -110005	50	50”

4. Although the instant execution petition had been preferred in respect of one of the aforementioned properties learned senior counsels appearing for the respective sides had submitted that the execution petition may be treated as extending to all properties which stood set forth in paragraph 4 of the judgment. It is also not disputed between the parties that the respective shares of the plaintiffs and the defendants which were originally shown in paragraph 4 as being 60:40 in respect of property no.1 only was ultimately reviewed as being 50% each.

5. The Court deems it appropriate to appoint a Local Commissioner to take further steps for execution of the decree by sale of the properties aforementioned and for distribution of the proceeds that may be garnered therefrom in accordance with the shares as settled under the decree. In order to facilitate and expedite the aforesaid, the



Court appoints hereby appoints Mr. Zubin Singh, Advocate [Official Address: Chamber No.421, Delhi High Court Lawyers' Chambers, New Delhi] [Mobile No.9810034486] [email: zubin.singh93@gmail.com] as the Local Commissioner.

6. The fees of the Local Commissioner which is fixed at Rs.2 lakhs shall be borne by both parties equally. In addition, the Local Commissioner shall be entitled to reimbursement of expenses that may be incurred in connection with the sale. Those expenses, also, shall be equally borne by parties.

7. For the purposes of effecting sale, is shall be open for the Local Commissioner to have advertisements published in leading dailies having wide circulation in the areas where the properties are situate. In addition to the above, the Court also leaves it open to the execution petitioner as well as the judgment debtors to submit their inter se bids in sealed cover to the Local Commissioner. The said offers shall also be considered along with any other offer that may be received.

8. The Court further observes that while the judgment debtors may carry out any essential renovation and repair work in the portion of the property occupied by them, no structural or major changes thereto shall be made.

9. List again on 29.08.2023.

YASHWANT VARMA, J.

MARCH 15, 2023

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