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

+ **CS(COMM) 480/2022**

CHASVINDER SINGH & ORS.

.....Plaintiffs

Through: Mr. Raman Kapur, Sr. Adv. with Ms.
Sarita Malhotra and Ms. Suman
Malhotra, Advs.

versus

ESVINDER SINGH & ORS.

.....Defendants

Through: Mr. C.M. Lall, Sr. Adv. with Mr.
Jatin Sharma, Ms. Annanya Mehan
and Ms. Anam Sahar, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **26.05.2025**

I.A. 13412/2025 (application on behalf of plaintiffs under Section 151 CPC for directing the local commissioner executing the decree passed in CS (OS) no. 232/2017 under execution petition no. 39/2022)

1. This is an application filed by the plaintiff seeking appointment of a Local Commissioner with respect to the properties enlisted at paragraph 11 of this application which reads as under:

“11) That despite their being no dispute about the aforesaid properties having fallen into the share of the Plaintiffs, the Defendants continued to illegally occupy the following properties to the exclusion of the Plaintiffs from their share:

(i) 1584, 1606-1607, Gali No. 31, Naiwala, Karol Bagh, New Delhi 100% in occupation of the Defendants devolving to the extent of 50% upon the Plaintiffs.

(ii) 1964/68, Bank Street, Karol Bagh, New Delhi - 100% in occupation



of the Defendants devolving to the extent of 50% upon the Plaintiffs.”

2. Mr. Kapur, learned senior counsel for the applicant/plaintiff states that these very properties are also the subject matter of execution proceedings i.e., Ex. P. 39/2022, which is pending before the Bench of Hon’ble Ms. Justice Jyoti Singh on 08.08.2025.

3. Mr. Lall, learned senior counsel appearing on behalf of the defendants states that in the execution proceedings, orders for sale of these two (2) properties have already been passed. He submits that with respect to property nos. 1584, 1606-1607, Gali No. 31, Naiwala, Karol Bagh, New Delhi in fact, the public auction is scheduled on 29.06.2025. He states that, therefore, the filing of this application will jeopardise the said auction.

4. He further states that property no. 1964/68 Bank Street, Karol Bagh, New Delhi was also put to auction twice and it has failed to secure a bidder. He, therefore, submits that this application be also placed before the Court hearing the execution proceedings.

5. This Court has considered the submissions of the parties.

6. To avoid conflict of orders, subject to orders of Hon’ble the Judge In-Charge (Original Side), list this suit before the Bench hearing Ex. P. 39/2022 on **16.07.2025**.

MANMEET PRITAM SINGH ARORA, J

MAY 26, 2025/msh

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