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

+ EX.P. 54/2021

SHRI RAM CHOPRA

..... Decree Holder

Through: Ms. Priamvada Surolia and Mr.
Shaurya Bhatnagar, Advs.

versus

SEEMA CHOPRA & ANR.

..... Judgement Debtors

Through: Mr. Utsav Trivedi, Ms. Kanjani
Sharma and Mr. Piyush Tiwari,
Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

% **27.04.2023**

EX.APPL.(OS) 492/2023 (Ex. Filing Signed &Notarised Copies of Affidavit)

Dismissed as not pressed.

EX.APPL.(OS) 491/2023(U.O. XXI R. 22A, 58, 59 r/w S. 151 CPSC/ Stay)

1. This application has been moved by one Shweta Chopra asserting herself to be the daughter of judgment debtor no.1 seeking stay of the sale proclamation of the suit property. The proclamation of sale was published on 08 April 2023.

2. It is the case of the applicant that she had been residing with judgment debtor no.1 in the suit property since her childhood. The applicant further asserts that although the order for taking further steps for the sale of the suit property had been issued on 15 February 2023, the mother of the applicant passed away on 05 March 2023. It is submitted that the proclamation of sale came to be issued thereafter on 08 April 2023 and at a time when the applicant and other heirs of judgment debtor no.1 had not been impleaded in the execution proceedings.

3. Learned counsel also relies upon Order XXI Rule 22A of the Code of Civil Procedure, 1908 to assail the further proceedings which have been taken by the Local Commissioner.



4. It becomes pertinent to note that in terms of the decree which came to be drawn by the Court, the suit property stood partitioned between the plaintiff and the two defendants in the ratio of 55%, 25% and 20% respectively. The applicant does not claim a right in the suit property independent of the judgment debtor no.1.
5. The apprehension which is expressed namely of her share being liable to be apportioned amongst all the heirs who survived her is a question which is still open to be considered by the Court at the time of distribution of the sale proceeds.
6. Insofar as the provisions of Order XXI Rule 22A are concerned, while there is an obligation on the execution petitioner to substitute and bring on record the legal heirs of judgment debtor no.1, the same does not detract from the validity of the order of 15 February 2023 or the proclamation of sale which came to be published.
7. In view of the aforesaid and subject to liberty being reserved to the heirs of judgment debtor no.1 to raise their claim with respect to apportionment of 25% of the share which stood demarcated to fall in her share in terms of the final decree that was drawn, these objections shall stand disposed of.
8. The Court directs the execution petitioner to take appropriate steps to implead the heirs of judgment debtor no.1.
9. Since the proclamation of sale has already been placed in abeyance pending consideration of objections which stand numbered as EX. APPL (OS) No. 467/2023, let the matter be called on the date fixed i.e. 24.05.2023.
10. Accordingly, the application shall stand disposed of.

YASHWANT VARMA, J.

APRIL 27, 2023
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