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

+ EX.P. 54/2021, EX. APPL. (OS) 1025/2021, EX. APPL. (OS) 102/2022, EX. APPL. (OS) 2815/2022, EX. APPL. (OS) 2995/2022, EX. APPL. (OS) 3586/2022, EX. APPL. (OS) 3769/2022

SHRI RAM CHOPRA

..... Decree Holder

Through: Ms. Priamvada Surolia, Mr.
Tarun Soni and Mr. Jai Kishan
Bedi, Advs.

versus

SEEMA CHOPRA & ANR.

..... Judgement Debtors

Through: Mr. P.K. Rawal and Mr. Tarun
Agarwal, Adv. for JD-1
Mr. Siddharth Mullick, Adv. for
JD-2
Mr. Mahesh K. Chaudhary,
Adv. for JD Mrs. Nidhi Arora
Mr. Rishabh Sharma, Advocate
for Objectors Mr. Amit and Ms.
Shweta Chopra

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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15.02.2023

1. This Court on 30 January 2023 had noted that a preliminary decree of partition had been accorded finality by the Court in terms of a final judgment and decree dated 23 July 2021. The Court in terms of the decree provided for the partition of the suit property in the ratio of 55%, 25% and 20% respectively. It had also accorded liberty to parties to submit inter se bids and in case of failure thereof for the suit property being put up for sale and the proceeds obtained therefrom being divided in the ratio indicated above.

2. Undisputedly, despite the final decree having been granted in July 2021, parties have failed to act in terms thereof.



3. On the last occasion the matter was adjourned since none had chosen to appear on behalf of the Judgment Debtors. The Court had, consequently, clarified that in case the J.Ds. go unrepresented, it would consider the appointment of a Local Commissioner who may proceed in terms of the decree referred to above.

4. Learned counsels appearing for J.D. Nos. 1 and 2 who have appeared today have referred to their objections and have raised various contentions with respect to the ratio in which the sale proceeds likely to be garnered from the suit property is liable to be distributed. Those and all other objections of like nature need not detain the appointment of a Local Commissioner and for steps being taken to affect the sale of the suit property. This since the allocation and distribution of the sale proceeds inter se is an issue which would in any case be liable to be tried and considered only after the sale has been affected.

5. Consequently, the Court hereby appoints Mr. Divyam Nandrajog, Advocate [Official Address: A-16, Sector -14, Noida – 201301, Uttar Pradesh] [Mobile No. 9711350679] [email: divyamnandrajogadv@gmail.com] as the Court Commissioner for the aforesaid purpose.

6. The fees of the Court Commissioner is fixed at Rs. 1 Lakh and other related expenses which shall be borne equally by all parties.

7. Let the matter be called again on 24.05.2023.

YASHWANT VARMA, J.

FEBRUARY 15, 2023
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