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

+ **EX.P. 17/2016, CCP(O) 10/2024, EX.APPL.(OS) 1637/2023**

MR VIVAN SOMDUTT & ANR

..... Decree Holders

Through: Mr. Abhishek Chauhan, Advocate for
DH-1

Mr. BB Gupta, Sr. Advocate with Ms.
Meghna Mishra, Mr. Tarun Sharma
and Ms. Yashodhara Gupta,
Advocates for DH-2

versus

MR ARJUN SOMDUTT & ANR

..... Judgement Debtors

Through: Mr. Varun Dewan, Advocate for JD-1
Mr. Pritha Somdutt Mr. Danish Aftab
Chowdhury, Advocate for JD-2

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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15.03.2024

1. Learned Senior advocate appearing on behalf of the Decree Holder No.2 submits that a Public Auction had been conducted for the sale of the property but a date before, the Judgement Debtor No.1 issued a Public Notice that none should participate in the Auction.
2. Consequently, the Auction could not take place and in the process, Decree Holder No. 2 suffered a loss of Rs.11,83,807.92 as the expenditure for arranging Public Notices, to which he is entitled to be refunded by Judgement Debtor No. 1. Contempt has also been filed in this regard against JD No.1.



3. It is further submitted that because Judgement Debtor No. 1 is sitting in possession of the property, he is intentionally not getting the Order of the Court complied with.
4. Learned Counsel appearing on behalf of the Judgement Debtor No.1 submits that he has no instructions from the client and needs further time.
5. In view of the submissions made and looking at the conduct of the Judgement Debtor No.1, he is directed to deposit Rs.12,00,000/- incurred in failed Auction in the Court within 7 days.
6. Reply to the contempt be filed on behalf of the Judgement Debtor No.1 within seven days.
7. Judgement Debtor No. 1 shall remain physically present in the Court on the next date of hearing.
8. List for further directions, in respect of the Auction in terms of Order dated 14.08.2023, on 04.04.2024.

NEENA BANSAL KRISHNA, J

MARCH 15, 2024/PT