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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,
EX.APPL.(OS) 544/2024

MR VIVAN SOMDUTT & ANR

..... Decree Holders

Through: Mr. Munindra Dvivedi and Ms. Divya
Bhalla, Advocates.
Mr. B.B. Gupta, Mr. Achal Gupta,
Ms. Meghna Mishra, Mr. Mr. Ankit
Rajgarhia, Mr. Tatrun Sharma and
Ms. Yashodhara Gupta, Advocates
for DH2.

versus

MR ARJUN SOMDUTT & ANR

..... Judgement Debtors

Through: Mr. Aruneshwar Gupta, Senior
Advocate with Mr. Varun Dewan and
Mr. Abhishek Sharma, Advocates for
JD No. 1.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.04.2024

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1. Learned Senior Advocate on behalf of the Judgment Debtors, submits that they were not able to bring any Collaborator and therefore, concedes for the auction of the Suit property.
2. The record shows that the Judgment Debtor No. 1, Mr. Arjun Somdutt, has time and again been obstructing the Court auction as on the last date, when the Notice for Auction was taken out, he issued a Public Notice a day prior resulting in installing of the Court auction, which has resulted in a total loss of Rs.12 Lakhs.



3. The Judgment Debtor No. 2 is hereby warned not to obstruct the Court auction and in case, he fails to do so, he shall be liable for Contempt of Court the orders.
4. Since no Collaborator could be arranged by the Judgment Debtor No. 1, it is hereby directed that the auction of the Suit property be done, in terms of the Order dated 14.08.2023.
5. Learned Senior Advocate appearing on behalf of the Decree Holders, submits that since the entire expenditure of previous Court auction, had been incurred by the Decree Holder, the directions now be given to the Judgment Debtor, to be solely responsible for the expenses of the Court auction. However, in order to ensure that the Court auction actually takes place, the Decree Holder is directed to again bear the expenses but the expenditure of the Court auction, shall be debited exclusively to the account of the Judgment Debtor No. 1.
6. It is also directed that the dates and the timing for the inspection of the prospective buyers be also specified to ensure that there is no obstruction of any kind in execution of the sale of the Suit property.
7. Be listed before the learned Joint Registrar on 17.05.2024 for finalisation of the terms of the Proclamation.
8. Be listed before the Court on 03.12.2024.

NEENA BANSAL KRISHNA, J

APRIL 29, 2024/RS