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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 17/2016**

MR VIVAN SOMDUTT & ANR

.....Decree Holder

Through: Mr. Munindra Dvivedi, Adv. Ms.
Divya Bhalla, Adv. Mr. Abhishek
Chauhan, Advs. for DH-1

Mr. B.B. Gupta. Sr. Adv., Ms. Megha
Mishra, Mr. Achal Gupta and Mr.
Ankit Rajgarhia, Advs. for DH-2.
(Through Physical)

versus

MR ARJUN SOMDUTT & ANR

.....Judgement Debtor

Through: Mr. Keshav Kumar, Advocate for JD1.
Mr. Bhargav R Thali and Mr. Vipul
Kumar, Advocates for the Applicant in
EX. APPL. (OS) 1968/2024.

Mr. Ashok K Chhabra and Mr. Om
Prakash, Advs. for M/s Summit
Realcon Pvt. Ltd.
(Through Physical)

Mr. Danish Aftab Chowdhury, Adv.
for JD-2
(Through VC)

CORAM:
REGISTRAR GENERAL KANWAL JEET ARORA

ORDER
17.03.2025

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1. The Hon'ble Court vide order dated 06.03.2025 has, *inter alia*, directed



as under:-

“.....

5. It is stated that a draft sale deed has been prepared by the successful bidder and has been circulated to all the parties. It is stated that the Plaintiff had certain objections which have been considered and the draft sale deed has been finalized.

6. Let the sale deed be presented before the Registrar General of this Court on 17.03.2025 for further proceedings.

7. Learned Registrar General of this Court is also directed to appoint a Joint Registrar of this Court as the Local Commissioner to ensure that the possession of the suit property is handed-over to the auction purchaser.

8. The Local Commissioner would be entitled to a fee of Rs.1,00,000/- to be paid by the auction purchaser. The Local Commissioner would be free to take the aid of the Local Police to ensure that the auction purchaser is handed-over the possession of the suit property.....”

2. It is submitted by the learned counsel for M/s Summit Realcon Pvt. Ltd./highest bidder that in terms of clause k of para 2 of the aforesaid order of the Hon’ble Court, upon full payment of the final bid amount, the original documents qua the auction property and physical possession of the same is to be handed over to the successful bidder/highest bidder/M/s Summit Realcon Pvt. Ltd. within one month and the title documents are to be executed in favour of the successful bidder/highest bidder/M/s Summit Realcon Pvt. Ltd. within six weeks from the date of the full payment. It is further submitted by the learned counsel for M/s Summit Realcon Pvt. Ltd. that the entire auction payment has been deposited by the M/s Summit Realcon Pvt. Ltd. in this court after necessary TDS deduction and depositing the same with Income Tax Department in the name of the parties to the suit in proportionate to their respective shares in the auction property. It is further submitted that the receipts of deposits of TDS with Income Tax Department has also been filed on record by the successful bidder/highest bidder/M/s Summit Realcon Pvt.



Ltd. *Accordingly*, it is prayed that in terms of the aforesaid directions dated 06.03.2025 of the Hon'ble Court, the possession of the auction property/suit property be handed over to the auction purchaser.

3. Learned counsel for JD-2/Pritha SomDutt submits that the suit property/auction property shall be vacated by her, by tomorrow. Learned counsel for JD-1, however, prays to this court for granting more time to JD-1/Arjun SomDutt for vacating the suit property/auction property primarily on the ground that JD-1/Arjun SomDutt does not have any other place to reside. These submissions of learned counsel for JD-1/Arjun SomDutt, at best could have been made before the Hon'ble Court and this court cannot grant any extension of time to JD-1 for vacating the suit property/auction property, as such, the submission of learned counsel for JD-1 are rejected out rightly.

4. It is evident from the record that the entire auction payment has been deposited by the auction purchaser/successful bidder/M/s Summit Realcon Pvt. Ltd. alongwith the receipt of deposit of TDS with the Income Tax Department in the name of the parties to the suit, accordingly, in terms of aforesaid directions of the Hon'ble Court, this court appoints ***Ms. Geetha Gopinathan, Joint Registrar, Delhi High Court, M.No.8527244115 as a Local Commissioner*** who shall ensure that the possession of the suit property/auction property i.e. ***B-8, Maharani Bagh, New Delhi*** is handed over to the auction purchaser/successful bidder/M/s Summit Realcon Pvt. Ltd. For the said purpose, the Local Commissioner would be free to take the aid of local police, so as to ensure that the auction purchaser is handed over the possession of the suit property/auction property in a smooth and peaceful manner. In terms of the aforesaid order of the Hon'ble Court, the Local Commissioner would be entitled to a fee of ₹1,00,000/- to be paid by the



auction purchaser/M/s Summit Realcon Pvt. Ltd.

5. For the aforesaid purpose, the learned local commissioner shall visit the suit property on **22.03.2025 at 11:00 am**. All parties to the present proceedings and the representatives of the auction purchaser/successful bidder/M/s Summit Realcon Pvt. Ltd. shall remain present at the aforesaid suit property/auction property on the date and time fixed alongwith their respective counsels to assist the local commissioner. The Local Commissioner shall prepare a report in this regard and file the same before this court by 27.03.2025.

6. Needless to say that the parties in whose possession and power the original documents of the auction property/suit property lies, shall hand over the same to the auction purchaser/successful bidder/M/s Summit Realcon Pvt. Ltd. in presence of the local commissioner in terms of para 2 (k) of the aforesaid order of the Hon'ble Court.

7. List the matter before this court for compliance on 28.03.2025.

8. *Copy of this be given dasti to local commissioner as well as to the learned counsel for all the parties as well as the auction purchaser.*

KANWAL JEET ARORA
REGISTRAR GENERAL

MARCH 17, 2025

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Click here to check corrigendum, if any