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

+ EX.P. 17/2016

VIVAN SOMDUTT & ANR

..... Decree Holders

Through: Mr. Munindra Dvivedi, Ms. Divya Bhalla, Ms. Tanya Chanda, Mr. Nishant Varun and Mr. Bhavitt Rastogi, Advs.

Versus

ARJUN SOMDUTT & ANR

..... Judgement Debtors

Through: Ms. Aswathy Menon, Adv. for JD-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.04.2017

1. This order is in continuation of the earlier order dated 17th April, 2017.
2. On first call, Ms. Aswathy Menon, Advocate appeared on behalf of Mr. M.S. Vinaik, Advocate who on 17th April, 2017 had appeared for judgment debtor (JD) No.1 and stated that JD No.1 wants to engage another counsel. Finding it strange that though JD No.1 was wanting to change Mr. M.S. Vinaik, Advocate but Mr. M.S. Vinaik, Advocate's Chamber continued to represent JD No.1, the presence of Mr. M.S. Vinaik or of JD No.1 in person was directed and the matter was passed over.
3. Neither JD No.1 nor Mr. M.S. Vinaik, Advocate has appeared. Ms. Aswathy Menon, Advocate states that she tried to call JD No.1 but he did not pick up the phone.

EX.P. 17/2016

Page 1 of 2



4. It is obvious that JD No.1 is adopting dilatory tactics. On 17th April, 2017, frivolous technical objections were sought to be raised; however when the attention was drawn to the judgments, today this methodology has been adopted.
5. Option has been given to the counsel for the decree holders (DHs), of directing the Court Auctioneer to auction the property.
6. The counsel for DHs states that since the same would entail substantial expense, liberty be given to DHs to place their offers before this Court.
7. Allowed.
8. The JDs No.1&2 would also be similarly entitled to, before the next date of hearing, place their best offers before this Court so that the property can be directed to be sold to the best offer; else, the Court will have no option but to appoint a Court Auctioneer to sell the property.
9. List on 21st August, 2017 as sought.

RAJIV SAHAI ENDLAW, J.

APRIL 24, 2017

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