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

+ **EX.P. 104/2024**

PRAVEEN KUMAR GUPTA

.....Decree Holder

Through: **Mr. Ajay Kanojiya, Adv.**

versus

NAVEEN KUMAR GUPTA & ANR.

.....Judgement Debtors

Through: **Mr. Abhishek Kumar, Ms. Mallika Gupta, Advs.**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **18.03.2025**

1. This is a petition seeking execution of the Arbitral Award dated 05.04.2023 passed by the Sole Arbitrator in respect of vacant and peaceful possession of 25% of the farmhouse, namely Nirmal Vatika measuring 12 Bheega 11 Biswa, Khasra No. 92/1(6- 2), 2(4- 17), 9(1-12) situated at Village Dariya Pur Kanan, Opp. Fire Station, Bawana, Delhi.
2. As per the award 25% share of the said farmhouse was to go to the petitioner/decreed holder. Operative portion of the award reads as under:-

The Petitioner, Sh. Praveen Kumar Gupta, shall be entitled to the properties:

1. 25% share (of the value of Rs. 1,00,00,000 /-) in the Farmhouse Nirmal Vatika measuring 12 Bheega 11 Biswa, Khasa. No. 92/ 1(6-2),



2(4-17), 9(1-12) situated at Village Dariya Pur Kanan, opp. Fire Station, Bawana, Delhi, as its 25% shall go to the respondent No. 2, Smt. Nirmal Gupta, and remaining 50% shall go the respondent no. 3 and this property shall be physically divided in this ratio amongst these three parties only;

3. In a connected execution petition No. 327/2013, this Court on 15.07.2024 directed judgment-debtor 2 to handover 50% to judgment-debtor 1 and 25% to the petitioner.
4. I am informed that the order dated 15.07.2024 has attained finality and I am also informed that judgment-debtor 2 has since passed away and it would be decree-holder and judgment-debtor 1 who would be the Class 2 legal heirs entitled to succeed to the estate of judgment-debtor 2.
5. However, as and when appropriate proceedings are filed in this regard, the same will be adjudicated by the appropriate court.
6. For the time being, as per the award, 25% of property No. Nirmal Vatika measuring 12 Bheega 11 Biswa, Khasra No. 92/1(6- 2), 2(4- 17), 9(112) situated at Village Dariya Pur Kanan, Opp. Fire Station, Bawana, Delhi belongs to the decree-holder.
7. It is, therefore, directed that *tehsildar* of the Narela area will earmark 25% of the abovementioned land in favour of the decree-holder.
8. In order to complete the process, the decree-holder requests for appointment of a Local Commissioner (LC).
9. Mr. Omansh Gupta (Adv.), Ph. No. 9810156323 is appointed as an LC to supervise the demarcation process.
10. The SHO, Narela will provide police protection to the LC and the



SHO shall ensure that vacant and peaceful possession of the area earmarked by the *tehsildar* is handed over to the decree-holder.

11. Since the balance 25% of the area is to devolve to the legal heirs of the mother of decree-holder and judgment-debtors 1 and 3 and as per the averments made today in Court, it is only the decree-holder and judgment-debtor 1 who are stated to be the legal heirs of the mother and the judgment-debtor 2, it is directed that the balance 25% of the land shall remain in the care and custody of the LC who shall also act as a Receiver.

12. The LC shall be entitled to appoint round the clock security guard for whom the payment would be shared equally by decree-holder and judgment-debtor 1.

13. The fee of the LC/Receiver is fixed at Rs. 2.5 lakhs to be shared equally by the petitioner and the judgment debtor No.1.

14. Decree-holder and judgment-debtor 1 shall ensure that appropriate proceedings are initiated for ownership of balance 25% of the land.

15. In case the proceedings for ownership of land are not culminated within 3 months from today, the LC shall be entitled to enhancement of fee.

16. The decree-holder is at liberty to file an application for revival in case of any difficulty.

17. The execution petition is disposed of.

JASMEET SINGH, J

MARCH 18, 2025/DM

[Click here to check corrigendum, if any](#)