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

+ **EX.P. 44/2016**

LAKSHMI BUILDERS

..... Decree Holder

Through: Mr. Vikas Tiwari, Mr. Kumar
Deepraj, Ms. Tanya Singh and Mr.
Rishabh Bharadwaj, Advocates.

versus

DEVINDER LAKRA

..... Judgment Debtor

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.02.2022**

[VIA VIDEO CONFERENCING]

EX.APPL.(OS) 168/2022 (u/ Order XXI Rule 72(2) r/w Section 151 of the Code of Civil Procedure, 1908 hereinafter "CPC" seeking permission to purchase the property (on auction) on reserved price against partial satisfaction of the decree dated 03rd March, 2016)

1. Decree Holder invokes Order XXI Rule 72(2) r/w Section 151 of CPC and seeks permission to purchase property *bearing* No. 663, Village Mundka, Delhi for the reserved price fixed of Rs. 55 lacs, against partial satisfaction of the decree, since the auction attempt through court process has failed and in terms of the report submitted by the Court Auctioneer dated 04th February, 2022 - no one showed interest in purchasing the property attached by this Court.

2. During the course of arguments, it is noticed that an application *being* EX.APPL.(OS) 1110/2020 was filed by the father of Judgment Debtor,



wherein he claimed himself to be the owner of the aforesaid property. Mr. Vikas Tiwari, counsel for the Decree Holder submits that the said application was never prosecuted and remains undecided. Noticing this, the Court has queried from the counsel regarding the title of the property sought to be purchased. On this issue, Mr. Tiwari refers to the report of SDM enclosing therewith a Khatoni of the year 2005-06 (certified on 14th September, 2020) and further, he states that the property is occupied by the father of the Judgment Debtor whose name-plate also appears on the photographs annexed along with the report of Court Auctioneer. Name of the Judgment Debtor does not appear in the Khatoni. On further query, Mr. Tiwari states that the said property is an ancestral property, and the Judgment Debtor has a share therein. As of now, the Court is not satisfied as to the title of the Judgment Debtor. Mr. Tiwari seeks and is granted some time to examine the records.

3. Mr. Tiwari is also permitted to file an affidavit enclosing therewith the document(s) pertaining to the title of the aforesaid property before the next date of hearing.

4. At request, re-notify on 21st March, 2022.

SANJEEV NARULA, J

FEBRUARY 11, 2022

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