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

+ EX.P. 23/2018

MEENU MALHOTRA & ANR

..... Decree Holders

Through: Mr. P.V. Kapur, Sr. Adv. with Mr.
Madhav Khurana, Mr. Sidhant Kapur
and Mr. V. Pasayat, Advs.

Versus

NEELAM SEHGAL

..... Judgement Debtor

Through: Mr. Harish Malhotra, Sr. Adv. with
Mr. Rajender Agarwal, Adv.
Mr. Amit Bajaj, Adv. for Mr. Lokesh
Kumar Nanda.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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23.05.2018

1. This order is in continuation of the earlier order dated 6th April, 2018.
2. The counsel for Mr. Lokesh Kumar Nanda to whom, notice of the execution was issued, states that Mr. Lokesh Kumar Nanda is not willing to sell his 50% share in property No.6/3 B, Roop Nagar, Delhi.
3. The senior counsel for the decree holders states that a Court Auctioneer be appointed for sale of (a) 50% share of the decree holders and the judgment debtor in property No.6/3 B, Roop Nagar, Delhi; (b) shop No.50, G.B. Road (GF), Delhi; and, (c) share in flat No.609, 6th Floor, Vatika, Mathura Road, Faridabad, Haryana. It is further stated that though the shop is lying vacant but the mezzanine floor thereof is in possession of the son of the judgment debtor.

EX.P. 23/2018

Page 1 of 2



4. The senior counsel for the judgment debtor states that the son of the judgment debtor does not have any individual right to any part of shop No.50, G.B. Road (GF), Delhi and is in use of the mezzanine floor on behalf of the judgment debtor and will at the time of sale of the said shop, deliver vacant, peaceful and physical possession of the same to the purchaser.
5. The counsels have been informed of the charges of the Court Auctioneer and which will be deducted from sale proceeds in the ratio of the share of the parties under the preliminary decree for partition.
6. The counsels, under instructions from parties, state that they will, for one last time, attempt to sell the properties themselves, so that charges of Court Auctioneer can be avoided.
7. It is made clear that if the parties, by the next date of hearing, are unable to find a buyer mutually, the Court will have no option but to appoint a Court Auctioneer and the charges whereof shall be borne by the parties in proportion to their share in the properties.
8. With respect to the decree for rendition of accounts, it is stated that all the parties have to pay their respective share of stamp duty on the Letters of Administration and whereafter appropriate steps in that regard shall be taken.
9. List on 4th October, 2018.

RAJIV SAHAI ENDLAW, J.

MAY 23, 2018

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