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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(EFA)(COMM.) 6/2016

DAIICHI SANKYO COMPANY, LIMITED

..... Decree Holder

Through: Mr. Giriraj Subramaniam, Ms.
Astha Ahuja & Ms. Samridhi
Hota, Advs.

Versus

MALVINDER MOHAN SINGH AND ORS.

..... Judgement Debtors

Through: Mr. Savran Agrawal & Mr.
Debarshi Dutta, Advs. for
applicant/Axis Trustee Services
Ltd. in EA 747/2024
Mr. Kartik Kaushal, Court
Commissioner (joined through
VC)
Mr. Varun Garg, Adv. for JD
no.1,4&15
Ms. Sandhya, Adv. for R-27&35
Mr. Chitranshu A. Sinha, Adv.
for R-38

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

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21.05.2024

**EA NO.747/2024 under Order I Rule 10(2) r/w Order
XXI Rule 58 r/w Order XXI Rule 101 with Section 47
r/w Section 151 CPC moved by the applicant/Axis
Trustee Services Ltd. for impleadment**

1. Vide order dated 13.05.2024, this court observed and held that the captioned EA is inchoate and thus not proper. It has been further observed that allowing this application in its present form would lead to multiplicity of



applications and thereby unnecessary create delay in disposal of the execution petition filed by the DH. Thus, the captioned EA is not maintainable in its present form. The applicant was given liberty to proceed as per law in view of the said observations made in order 13.05.2024.

2. Notably, thereafter the applicant has not filed any further application seeking amendment in captioned IA. It is submitted by learned counsel for the applicant that in view of the aforesaid observations made by this court, he may be allowed to drop the provisions of Order XXI Rule 58 r/w Order XXI Rule 101 r/w Section 47 CPC. The same is vehemently opposed by learned counsel for the DH, who submits that this court made a categorical observation in the order dated 13.05.2024 that allowing this application in its present form would lead to multiplicity of the applications and thereby unnecessary delay disposal of the execution petition filed by the DH. He has brought my attention specifically to the prayer made in the captioned EA and submits that in view of the said observations and the prayer made by the applicant, it is necessary for the applicant to seek necessary amendments in the captioned EA before it is considered.

3. I have carefully considered the submissions and perused the records. Here, it would be apposite to refer to the prayer made in the captioned EA for ready reference, which is as follows:

“(a) Allow the present application and direct impleadment of Axis Trustees Services Limited in OMP (EFA) (COMM.) No.6 of 2016 (Daiichi Sankyo Company Limited v. Malvinder Mohan



Singh & Ors.) so that the applicant is heard before passing any order of attachment or sale in respect of the subject property.”

4. Considering the entire facts and circumstances in the light of aforesaid prayer, it is clear that the applicant is seeking impleadment in the present suit for a specific purpose i.e. to object/ challenge the attachment and sale of subject property i.e. *Plot No.20, Urban Estate, Sector-18, Gurgaon 122011, Haryana*. So, it is the eventual relief in which the applicant is interested and apparently for this reason Order XXI Rule 58 r/w Order XXI Rule 101 r/w Section 47 r/w Section 151 CPC have been invoked by the applicant in the present matter. At this stage, learned counsel for the applicant submits that separate application under appropriate provisions shall be filed later on after impleadment application is decided. Precisely for this reason, it was recorded on the last date of hearing that the captioned application is not sustainable in its present form and would necessarily lead to multiplicity of applications if allowed to be pursued in its present form. In these circumstances, the provision invoked in the captioned EA cannot be allowed to be taken off on the record merely on oral request of the applicant. Accordingly, it is reiterated that the applicant is to proceed in accordance with law in view of observations made vide order dated 13.05.2024.

At request of the applicant, re-notify the captioned EA on the next date of hearing.

EA No.185/2024 under Order I Rule 10(2) CPC moved by the applicant seeking impleadment

5. It is stated by learned counsel for the applicant that



he needs some time to take instructions as to withdraw the captioned EA or to pursue the same.

At request, re-notify the captioned EA for consideration on the next date of hearing.

O.M.P.(EFA)(COMM.) 6/2016

1. The order dated 23.04.2024, perused. Vide the said order, the Hon'ble Court has directed that the auction of the property being Khasra No. 1580 min. (5-16) situate at Village : Asola, Tehsil : Saket, New Delhi ('subject property') be done.

Accordingly, let the proclamation of the aforesaid property be issued as per following schedule:-

1	Proclamation to be displayed on the notice board of Delhi High Court & District Court Complexes in Delhi and office of the concerned Sub-Registrar	Before 27 th May, 2024.
2	Proclamation be also affixed at the property in question at the conspicuous place in the presence of witnesses of locality and be also proclaimed by beat of drums,	On or before 27 th May, 2024 between 10.00 am to 1.00 pm.
3.	Proclamation be also published in the English Daily 'The Statesman' & Hindi Daily 'Jansatta'.	On or before 27 th May, 2024.
4.	Date of return of publication	6 th June, 2024.
5.	Date & time of inspection of the suit property by the prospective buyers..	18 th June to 21 st June, 2024 between 10.00 am to 4.00 pm.
6.	Public auction of the suit property	22 nd June, 2024.

Put up for filing of report before this court on 03.07.2024. **At this stage, it is jointly stated by learned counsels for the parties that the venue for public**



auction will be decided as per mutual convenience.
Needless to say, the parties and learned Court
Commissioner shall remain bound by the proclamation of
sale as approved by the Hon'ble Court.

**PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 21, 2024/ab

Click here to check corrigendum, if any