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

+ EX.P. 327/2013 & CCP (O) 8/2015, EX.APPLs. (OS) 1177/2015,
1222/2015, 547/2018

NAVEEN KUMAR GUPTA

..... Decree Holder

Through: Ms. Geeta Luthra, Senior Advocate
with Ms. Pragati Srivastava, Ms.
Apoorva Maheshwari, Advocates
(Mobile No. 9910909716).

versus

PRAVEEN KUMAR GUPTA & ORS

..... Judgement Debtors

Through: Mr. Anurag Mishra and Mr. Somi
Sharma, Advocates for JD -1
(Enrolment No. D/4702/2022,
Mobile No. 9557735876).
Mr. Kumar Kshitij and Mr.
Shashank Ranjan, Advocates for
JD-2 (Enrolment No. D/575/2022,
Mobile No. 9690115561).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.04.2023

1. Judgment debtor Nos. 1 and 2 are represented today by Mr. Anurag Mishra, Advocate and Mr. Kumar Kshitij, Advocate respectively. Judgment debtor No.2 is also present in Court.

2. Ms. Geeta Luthra, learned Senior Counsel for the decree holder, states that the only aspect of the award which requires execution is with regard to mutation and possession of an immovable property [*Farm House 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*]. She submits that, in terms of the award



under execution, the decree holder has title to 50% of the said property with 25% going to judgment debtor No.1 and 25% to the original judgment debtor No.3, who was the mother of the other parties.

3. Learned counsel for the parties point out that although the judgment debtors' application for setting aside of the award under execution was dismissed, judgment debtor No. 2 has filed an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 [FAO (OS) 41/2022], in which notice has been issued on 25.01.2023.

4. Be that as it may, Ms. Luthra submits that there is no stay of the award under execution and in the event mutation and possession are handed over in terms of the award, the award holder will undertake to maintain *status quo* with regard to any third party interest and will also undertake to reconstitute the same if the appeal succeeds.

5. Learned counsel for judgment debtor No.2 states upon instructions, that possession of the said property is at present in the hands of a third party, but is unable to identify the third party or state the manner in which the said party has come into possession of the property. The judgment debtors are directed to file affidavits in this regard within two weeks. The judgment debtors are also directed to place their current addresses on record within one week from today.

6. The judgment debtor Nos. 1 and 2 are directed to remain personally present in Court on the next date of hearing.

7. List on 26.07.2023.

PRATEEK JALAN, J

APRIL 17, 2023/‘vp’/