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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. 327/2013 & CCP(O) 8/2015, EX.APPL.(OS) 1222/2015,
EX.APPL.(OS) 1446/2024
NAVEEN KUMAR GUPTADecree Holder

Through: Ms. Mallika Gupta, Adv.

Versus

PRAVEEN KUMAR GUPTA & ORSJudgement Debtor

Through: Mr. Ajay Kanojiya, Adv. for R1
Mr. Hrishikesh Baruah, Mr. Rudraksh
Kaushal, Mr. Utkarsh Dwivedi, Advs. for JD2

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.09.2024

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CRL.M.A. 27249/2024

1. This is an application under section 340 Code of Criminal Procedure, 1973 read with section 195(1) and 209 of the Indian Penal Code, 1860 read with Section 12 of the Contempt of Courts Act, 1971 against the judgement debtor No. 2 and his advocate Mr. Hrishikesh Baruah for making false misleading claims before the court on 06.09.2024.
2. Learned counsel for the decree-holder on instructions of the decree-holder seeks to withdraw the present application.
3. The application is dismissed as withdrawn.

CRL.M.A. 26911/2024

4. This is an application filed by the decree holder under section Code of Criminal Procedure, 1973 read with section 195(1) and 203, 209 of the



Indian Penal Code, against judgement debtor No. 2 for making false misleading claims before the court.

5. Ms. Gupta, learned counsel for the decree holder does not wish to press the present application.
6. The application is disposed of.

EX.APPL.(OS) 547/2018

7. This is an application filed by the judgement debtor under section 33 of the Indian Stamps Act seeking impoundment of the Arbitration Award dated 05.04.2013.
8. Issue notice. Ms. Gupta, learned counsel accepts notice on behalf of the decree holder.
9. Let a reply be filed within 4 weeks from today.

EX.APPL.(OS) 1177/2015, EA 288/2015 & EX.APPL.(OS) 1430/2024

10. List on 20.01.2025.

EX.APPL.(OS) 1445/2024

11. This is an application filed on behalf of the decree holder and judgement debtor No. 1 seeking issuance of warrants of possession of the property as per the direction of this court *vide* its order dated 15.07.2024.
12. Issue notice. Mr. Baruah, learned counsel accepts notice on behalf of the judgment debtor No. 2.
13. Let reply be filed within 4 weeks from today.
14. As per the Arbitral Award 05.04.2013, the decree holder was to get 50% of the farm house, namely, Nirmal Vatika measuring 12 bigha 11 biswa situated at Village Dariya Pur Kanan, Opp. Fire Station, Bawana,



Delhi (“farm house”) and judgement debtor No.1 was to get 25 % of the farm house.

15. It is stated that at present the judgment debtor No.2 is stated to be in possession of the farm house.
16. Mr. Baruah, learned counsel for the judgment debtor No.2 presses EX.APPL.(OS) 1177/2015 and EX.APPL.(OS) 547/2018 to state that the Arbitral Award is neither stamped nor registered and also needs to be impounded. It is stated as per the Arbitral Award and the family settlement deed dated 03.08.2009, the judgment debtor No. 2, Mr. Akash Gupta has not been given any portion of the said farm house.
17. In the present case, the objector/judgment debtor No.2 has been given substantial movable and immovable properties and is in use and enjoyment of the same. On one hand, pursuant to the Award, the judgment debtor No.2 is using those properties and on the other hand, the judgment debtor No.2 is retaining possession of the farm house, namely, Nirmal Vatika measuring 12 bigha 11 biswa situated at Village Dariya Pur Kanan, Opp. Fire Station, Bawana, Delhi, illegally. As per the Arbitral Award, the judgment debtor No.2 has not been given any portion of the said farm house. Additionally, the decree holder is only seeking execution of the Award with respect to his 50% share in the farm house, for which the decree holder has already paid the requisite stamp duty.
18. In my view, the aforesaid applications require a detailed hearing. Till the time the applications are adjudicated and for the reasons recorded above, 50% share of the decree holder in the farm house shall be handed over to the decree holder within 1 week from the date of upload



of this order subject to the decree holder maintaining *status quo* with regard to title and its possession.

19. Furthermore, 50% of the farm house shall be divided so that the frontage is equally divided between both the parties.
20. Since the farm house is in alleged possession of the judgment debtor No.2, in case the same is not handed over to the decree holder within 1 week from the date of upload of this order, the SHO, PS Bawana, Delhi shall ensure compliance.
21. List on 20.01.2025.

EX.P. 327/2013

22. List on 20.01.2025.

JASMEET SINGH, J

SEPTEMBER 9, 2024 / (SR)/(MS)
(Corrected and released on 14.09.2024)

Click here to check corrigendum, if any