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

+ EX.P. 327/2013

NAVEEN KUMAR GUPTA

.....Decree Holder

Through: Ms. Mallika Gupta, Adv.

versus

PRAVEEN KUMAR GUPTA & ORS

.....Judgement Debtors

Through: Mr. Ajay Kanojia, Adv. for JD No.1.

Mr. Sanjay Rathi and Mr. Rudraksh  
Kaushal, Advs. for JD No.2.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

% **21.11.2024**

**EX. APPL.(OS) 1855/2024 (seeking restraint against JD No.2)**

1. Issue notice.
2. Learned counsel, as aforesaid, accept notice on behalf of the judgment debtor nos.1 and 2.
3. Let reply, if any, be filed by the respondents/judgment debtors within a period of four weeks from today.
4. The present application has been filed by the decree holder on the apprehension that the possession of the land which is the subject matter of the decree and possession of which is stated to be with the applicant/decreed holder shall be disturbed by the alleged ex-tenant/associate/care-taker of the judgment debtor no.2 (Sh. Sunil Kumar).
5. It is stated that local gangsters and land grabbers in the locality have threatened to dispossess the applicant/decreed holder in the aftermath of the order dated 09.09.2024. It is submitted that pursuant to the said order dated



09.09.2024, the applicant/decreed holder has been put in possession of the land in question.

6. It is noticed that *vide* order dated 09.09.2024, it was *inter alia* directed by this Court as under :-

*“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 decreed holder in the farm house shall be handed over to the decreed holder within 1 week from the date of upload of this order subject to the decreed 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 decreed holder within 1 week from the date of upload of this order, the SHO, PS Bawana, Delhi shall ensure compliance.”*

7. Alongwith the present application, the applicant/decreed holder has placed on record a copy of an extract from the General Diary (bearing No.0120A dated 21.09.2024) PS Bawana, wherein, it has been recorded as under :-

*“General Diary*

**District:** Outer North

PS Bawana

GD No.0120A

Section

: (Delhi)

**Date:** 21/09/2024

Time 19:16:35

**Entry Made For:**

**Rank/Name/PIS No. of Police**

**Officer:**

SUB-INSPECTOR / MOHIT BATAN/16180017

**GD Type(s):** Arrival Information

**GD Subject:** SI Mohil No D-2848, Arrival and information,  
Compliance of order of Hon'ble Delhi High Court.  
made



**GD Brief:**

At this time it is submitted that I SI alongwith Staff HC NAVEEN No.471/OND, HC PARDEEP NO. 2328s, HC Rajbir No. 2340/OND, HC Krishan No.2273/OND, W/HC Sheela No. 1539/OND, W/Ct. Jyoti No.1672/OND and Advocate Mallika Gupta along with Petitioner Naveen Kumar Gupta (Decree Holder), Babita Gupta and Ahmed Beniwal has returned after doing compliance of order of Hon'ble Delhi High Court in EX. Appl.(05) 1445/2021, Case Title Naveen Kumar Gupta Vs. Praveen Gupta & Others, order Dt. 09Sep. 2024 of Hon'ble Judge Jasmeet Singh J. During compliance of order, Farm House Nirmal Vatika measuring 12 bigha 11 biswa situated at Village Dariyapur Kalan, Aunchandi Road, Bawana Delhi was visited, where petitioner called the Tehsildar who with the help of his one employee measured the front portion of the said farm house and marked the middle point of front boundary line, as directed in the order of Hon'ble Delhi High Court that 50 percent share of decree holder in the farm house shall be handed over to decree holder and 50 percent of the farm house be divided so that frontage is equally divided between the parties. After that Decree holder selected his half portion towards aunchandi village side and the tenant namely Paramjeet Singh who was running wedding house there shifted his material from that side. Further Decree Holder told that they will conduct the proper demarcation of the said farm house from the concerned department. Photographs of the farm house were taken from mobile camera. Compliance of the order of Hon'ble High Delhi Court, Dt. 09Sep. 2024 of Hon'ble Judge Jasmeet Singh J. Has been made. All facts coveyed to SHO Sir.

Note: COMPUTER COPY

Signature  
SUB-INSPECTOR/  
MOHIT BATAN/61800017"

8. It appears from the aforesaid General Diary extract that the applicant/decreed holder has been duly put in possession of his half portion of the property in question.

9. It is also noticed that on 24.09.2024, a local commissioner was appointed by this Court in the aftermath of the order dated 23.09.2024 passed by a Division Bench of the Court in EFA (OS) 20/2024 filed against the order dated 09.09.2024. However, the position as regards possession is



quite apparent from the aforesaid extract from the General Diary filed by the applicant/decreed holder. It is, prima facie, apparent therefrom that handover of possession to the applicant/decreed holder with the active involvement of police authorities as reflected in the aforesaid General Diary Entry dated 21.09.2024.

10. In any event, the right of the applicant/decreed holder in respect of the 50% of the property clearly flows from the award dated 05.04.2013 of which enforcement is sought in these proceedings.

11. The judgment debtor no.1 does not dispute the entitlement of the applicant/decreed holder in terms of the said award. The judgment debtor no.2 has expired.

12. The entitlement and possession of the decreed holder in respect of the property in question is sought to be refuted/ challenged by some alleged tenant/ex-tenant of the property in question. The said tenant/ex-tenant, who is represented today by counsel, submits that the property in question is used as a wedding venue.

13. Given that the applicant/decreed holder has unequivocal rights in respect of the property, flowing from the award dated 05.04.2013, there is no occasion for the property to be used as a wedding venue without the consent or permission of the applicant/decreed holder.

14. In any event, considering the averments made in the application and the apprehension of the applicant/decreed holder that certain land grabbers in the area are seeking to illegally dispossess the applicant, it is directed that till the next date of hearing, *status quo* in all respects shall be maintained as regards the property in question. Further, the property shall not be used as a wedding venue or for any other commercial purpose, except with the prior



permission of this Court.

15. In case any attempt is made by any third party to disrupt the *status quo*, the petitioner will be at liberty to approach the concerned SHO who shall take immediate remedial steps.

16. List on 20.01.2025, the date already fixed.

**SACHIN DATTA, J**

**NOVEMBER 21, 2024/r, sv**