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

+ EX.P. 56/2017 & E.A(OS) 27/2018

SH. DEEPAK ARORA & ORS

..... Decree Holders

Through: Ms.Kajal Chandra, Ms.Pruna
Chopra, Mr.Viren Kapur, Mr.Divye
Puri, Advocates

versus

SMT. KAVITA ARORA & ORS

..... Judgement Debtors

Through: Ms.Deepika Madan, Mr.Shakti Singh,
Advocates for JD No.1 to 5 with JD
No.2 in person
Ms.Vandana Khurana, Advocate for
JD No.6 to 14.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **26.02.2019**

1. Judgment debtor No.2 present in Court along with his counsel submits that judgment debtors No.1 and 2 are in possession of properties bearing No.55 and 56, Kohlapur Road, Kamla Nagar, Delhi-110007.
2. Judgment debtor No.2 undertakes on his behalf as well as behalf on judgment debtor No.1 that they shall handover the vacant and peaceful possession of the suit property to the auction purchaser within one month of the auction of the aforesaid property by the Court Commissioner in terms of the decree dated 20th December, 2016. The undertaking of judgment debtors No.1 and 2 is accepted.
3. Judgment debtor No.2 further submits that his father had taken a loan from Union Bank of India, Nehru Place Branch by mortgaging the aforesaid properties and the outstanding loan as on date is to the tune of approx.



Rs.1 crore and he is paying the instalments @ Rs.1,25,000/- per month to the bank to discharge the loan. It is further submitted that the original title documents relating to the suit property are with the bank in view of the mortgage.

4. Judgment debtor No.2 further submits that judgment debtor No.1 as well as judgment debtor No.2 shall not transfer, alienate or create any third party interest in respect of the suit property. The undertaking of judgment debtors No.1 and 2 is hereby accepted.

5. Learned counsel for the decree holder submits that judgment debtor No.1 be directed to file an undertaking on affidavit in terms of the statement made by judgment debtor No.2 before this Court. Let the undertaking by way of affidavit be filed by judgment debtor No.1 in terms of the statement made above within a period of two weeks from today.

6. Learned counsel for the decree holders further submits that judgment debtors No.3 to 5 be also directed to file an affidavit to place on record their no objection to the statement made by judgment debtors No.1 and 2 today in Court. Judgment debtors No.3 to 5 are also directed to file an affidavit to place on record their no objection to the statement made by judgment debtors No.1 and 2 today in Court. Let the same be filed within two weeks from today.

7. Learned counsels for the parties agree to make an endeavour to resolve the matter through mediation with respect to the sale of the suit property within the family members.

8. List before Delhi High Court Mediation and Conciliation Centre on 06th March, 2019 at 3.30 P.M.

9. The Mediation Centre shall appoint a senior mediator to mediate between the parties.

10. List for reporting outcome of the mediation on 03rd April, 2019.



2025:DHC:4413

11. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

FEBRUARY 26, 2019
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J.R. MIDHA, J.