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

+ EX.P. 56/2017 & EX.APPLs.(OS) 27/2018, 167/2019, 168/2019, 225/2019, 265/2019, 943/2020, 3707/2022.

SH. DEEPAK ARORA & ORS Decree Holders
Through: Mrs. Kajal Chandra, Ms. Prerna
Chopra, Advocates.

versus

SMT. KAVITA ARORA & ORS Judgement Debtors
Through: Mr. Tarun Arora, Advocate for
Judgment-Debtor-1 to 5.
Ms. Vandana Khanna, Advocate
for Judgment-Debtor- 6 to 14.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
10.04.2023

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1. After about fifteen minutes of hearing, Mr. Tarun Arora, learned counsel for the judgment debtor Nos. 1 to 5, states that the main counsel Mr. P.K. Dhan and Mr. Anil Sharma, are both unavailable today. Mr. Arora states that he does not have the complete paperbook of the petition with him. No request for a pass-over or for an adjournment was made when the case was called out.

2. Mrs. Kajal Chandra, learned counsel for the decree holders, submits that, in terms of the judgment of the Division Bench dated 16.10.2020, in EFA(OS) 19/2019 [*Kavita Arora & Ors. vs. Deepak Arora*]

EX.P. 56/2017

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& Ors.], the suit property- F-55 and 56, Kohla Pur Road, Kamla Nagar, New Delhi-110007 [“the suit property”] has been valued by the Sub Divisional Magistrate (Civil Lines) at ₹3,12,60,195.1/-, and the decree has been stamped on the basis of this valuation. Mr. Arora objects to the valuation.

3. Ms. Chandra states that the judgment debtor Nos. 1 to 5 remain in possession of the suit property, and are delaying its auction only in order to delay their dispossession from it.

4. By virtue of the decree under execution, the suit property has to be sold, and the proceeds thereof are to be shared between the parties in the shares mentioned thereunder. If the suit property has been valued, and the decree has been stamped in accordance with the judgement of the Division Bench, the next step appears to be for the auction to be conducted. If the market value of the suit property is, in fact, higher than that assessed by the SDM, that will be realised in the auction.

5. As Mr. Arora is not in a position to assist the Court, list on 20.07.2023, subject to the payment of costs of ₹30,000/- by the judgment debtor Nos. 1 to 5 to the decree holder.

PRATEEK JALAN, J

APRIL 10, 2023

‘Bhupi’/