



2024-DHC-4418

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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: Ms. Kajal Chandra, Advocate.

versus

SMT. KAVITA ARORA & ORS ..... Judgement Debtors

Through: Mr. P.K. Dham & Mr. Tarun Arora,  
Advocates for JD-1 to 5.

Ms. Vandana Khurna, Advocate for  
JD-6 to 12 (i) to (iii).

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **20.05.2024**

**EX.APPL.(OS) 810/2024 (w/O XXI Rules 54, 65 & 66 r/w Section 151 of  
CPC, 1908)**

1. By way of present application, the applicants/Decree Holders seek directions to Judgment Debtor Nos. 1 to 5 to vacate the Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 and deposit the keys in this Court or with Local Commissioner. Also, Judgment Debtors be directed to deposit the documents pertaining to said property in this Court. Also, direction to the General Manager, Union Bank of India, Nehru Place Branch, New Delhi be given to disclose and submit all the list of documents of the said property mortgaged at the time of sanction of loan, in the name of grandmother of the parties.

2. It is submitted that the Court Auction of the Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 is not taking place as the said property is in occupation of the Judgment Debtor Nos. 1 to 5 who are entitled to only 20% share in the said property.



3. It is further submitted that the Judgment Debtor Nos. 1 to 5 have been residing in two rooms of the Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007, while the remaining portion of the said property has been licensed/rented out to the students and thereby generating the rental income which is being utilised by the Judgment Debtor Nos. 1 to 5.
4. Learned counsel for the applicants/Decree Holders submits that the Judgment Debtor Nos. 1 to 5 are not even willing to disclose the amounts that are being generated as rents from the Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 by running PG.
5. It is also submitted in the application that because the Decree Holders and the Judgment Debtors are entitled to 80% share in the aforesaid property and, therefore, the said property is required to be auctioned and the Judgment Debtor Nos. 1 to 5 be asked to vacate the said property so that the Local Commissioner can get the said property auctioned.
6. Learned counsel for the Judgment Debtor Nos. 1 to 5 submits that the aforesaid property is the only property in which they have been residing and if they are asked to vacate the same, they will come on the road.
7. Learned counsel for the Judgment Debtor Nos. 1 to 5 further submits that Judgment Debtor Nos. 1 to 5 undertake to disclose on affidavit all the amounts that they have earned from the said property, till date.
8. Learned counsel for the Judgment Debtor Nos. 1 to 5 also submits that they Judgment Debtor Nos. 1 to 5 do not have any original documents pertaining to Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 and whatever documents were available with them, have already been deposited with the Bank.



9. **Submissions heard.**

10. Considering that *vide* Judgment dated 20.12.2016, the Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 had been directed to be auctioned and the sale proceeds be distributed amongst the parties as per the share determined. Despite the Partition Decree, till date, the Judgment Debtor Nos. 1 to 5 have been staying and enjoying the said property and also deriving the benefit by letting the same out to the licencees/tenants, and this is hampering the auction of the said property.

10. The Judgment Debtor Nos. 1 to 5 are hereby directed to vacate the Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 within three months, failing which, the warrants of possession may be issued by this Court for the possession, to be handed over to the Local Commissioner.

11. The Judgment Debtor Nos. 1 to 5 are also directed to disclose on affidavit the earnings from the said property from the passing of Decree dated 20.12.2016 till date within one month.

12. The Registry is directed to issue the letter to the General Manager, Union Bank of India, Nehru Place Branch, Kamla Nagar, New Delhi to submit all the original documents pertaining to Property No. F-55 and F-56, Kohlapur Road, Kamla Nagar, Delhi-110007 that have been deposited with the Bank at the time of sanction of loan.

13. List on 16.08.2024.

**NEENA BANSAL KRISHNA, J**

**MAY 20, 2024**

*S.Sharma*