

ITEM NO.7

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19099/2012

(Arising out of impugned final judgment and order dated 26/04/2012 in CRP No. 65/2007 passed by the High Court Of Delhi At New Delhi)

VINEET TIWARI

Petitioner(s)

VERSUS

HARINDER PAL SINGH CHAWLA (D) & ANR.

Respondent(s)

(Office Report for direction)

Date : 06/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Mohit Chaudhary, Adv.
Ms. Puja Sharma, Adv.
Mr. Kunal Sachdeva, Adv.
Mr. Imran Ali, Adv.
Mr. Balwinder Singh Suri, Adv.

For Respondent(s) Ms. Deepti Gupta, Adv.

Mr. Abhishek K. Rao, Adv.
Ms. Bhavya Bharti, Adv.
Mr. Arun K. Sinha, Adv.

Mr. Abhay Kumar, Adv.
Mr. B. L. Wali, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Bilal Khan, Adv.
Mr. Himanshu, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A.No. 9 of 2016

Delay in filing the reply is condoned.

I.A.No. 9 of 2016 is, accordingly, disposed of.

I.A.Nos. 2-4 of 2015 and I.A. Nos. 6-7 of 2015

This matter is placed before us to clarify the doubt expressed in the Office Report dated 25.04.2016. While dismissing the Special Leave Petition on 15.03.2016, this Court allowed the application for setting aside abatement as well as application for substitution filed by the concerned applicant. As conflicting position is taken by the concerned applicant(s) about their right to execute the decree for and on behalf of the deceased plaintiff, to do complete justice, we deem it just and proper to appoint a Court Receiver in respect of the suit scheduled property, who will take symbolic possession of the stated property and allow the parties, already in possession, to continue to remain in possession without creating any right, title or interest therein and also subject to such orders that may be finally passed by the appropriate Court as to the entitlement to get the decree of possession relating to the suit scheduled property executed for and on behalf of the deceased plaintiff. All contentions available to the respective parties in that behalf are kept open.

In other words, we have allowed all applications vide order dated 15.03.2016 without prejudice to the rights and contentions of the respective parties to pursue their claim including to espouse the cause of the original plaintiff and to represent his estate. Thus, the parties will be free to take recourse to such remedy as may be permissible in law for appropriate declaration and consequential reliefs, including to pursue the execution of the decree in suit scheduled property in Suit No. 158 of 2006

(Old Suit No. 680 of 1994).

We have requested Ms. Rohini Musa, Advocate, to act as Court Receiver. She has graciously accepted the request. Accordingly, we appoint her as Court Receiver in terms of this order.

The Court Receiver may submit a status report to this Court within three months, on which date, we may consider the issue regarding remuneration and other expenses to be disbursed to the Court Receiver.

In view of the above, no further directions are necessary on the Office Report under consideration.

Post on 05.05.2017, for considering the status report to be submitted by the Court Receiver.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar