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

\+ EX.F.A. 42/2023 & CM APPL. 52484-85/2023

ANKIT MISHRA & ANR. ..... Appellants

Through: Mr. Abhishek Grover, Advocate

versus

SANTOSH SHARMA & ORS. ..... Respondents

Through: Mr. Sarojanand Jha and Mr. Rajreeta Ghosh, Advocates for R-5

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 10.10.2023

CM APPL. 52485/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

EX.F.A. 42/2023 & CM APPL. 52484/2023

1. The learned counsel for the Appellants state at the outset that he has no objection if the possession of the suit property is recovered from the Judgment Debtor Nos. 1 to 4 in compliance with the decree dated 10.11.2022.

1.1. He states that Appellants has a limited concern with respect to the temple which exists on the subject property.

1.2. He states that the Appellants do not wish to in any manner assist the judgement debtors in avoiding their obligation under the decree.

2. The learned counsel for the Decree Holder i.e., Respondent No.5 states that the bailiff who has been appointed by the Executing Court vide order dated 03.10.2023 is scheduled to visit the subject property for execution of the warrants of the possession on 11.10.2023.

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2.1. He states on instructions from Respondent No.5 that after recovering the peaceful and vacant possession of the subject property from Judgment Debtor Nos. 1 to 4, the Respondent No.5 does not intend, in any, manner to damage or remove the temple. The said statement is taken on record subject to the orders of the Court

3. The learned counsel for the Appellants states that the Appellant No. 1 will not cause any obstruction or hindrance in the execution of the warrants of the possession. The said statement is taken on record and he is bound down to the same.

3.1. It is made clear that if the Appellant No. 1 is found violating the statement made before this Court, he will remain liable for contempt of Court proceedings.

4. List on 17.10.2023 in supplementary list.

5. It is directed that the bailiff is at liberty to execute the warrants of possession in accordance with the directions already issued to him by the Executing Court.

6. A copy of this order be given *dasti* under the signatures of the Court Master.

7. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 10, 2023/msh/sk

Click here to check corrigendum, if any

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