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

\+ EX.F.A. 42/2023

ANKIT MISHRA & ANR. .... Appellants

Through: Mr. Abhishek Grover, Advocate

versus

SANTOSH SHARMA & ORS. ..... Respondents

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

Mr. Divyam Nandrajog, Panel counsel, GNCTD for SHO, P.S. Bindapur

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 17.10.2023

1. Mr. Divyam Nandrajog, panel counsel for the GNCTD, who is present in Court has been directed to enter appearance and assist this Court in seeking the presence of SHO, PS Bindapur through video conferencing.

2. At pass-over stage, the Mr. Rajeev Malik, SHO, P.S. Bindapur has joined the proceedings through video conferencing and is represented through its counsel, Mr. Divyam Nandrajog.

2.1. The SHO states that on 11.10.2023, the requisite police assistance could not be provided to the bailiff on account of administrative difficulties.

2.2. He, however, assures the Court that on the next date fixed by the Executing Court for execution of warrants of attachment and possession, on being approached by the bailiff and/or the decree holder, all necessary police assistance will be provided to the bailiff and decree holder for executing the warrants of attachment and possession. He, however, requests that the next date be fixed after 24.10.2023 on account of the ongoing Navratri festival.

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2.3. The said statement of the SHO PS Bindapur is taken on record and he is bound down to the same.

3. The learned counsel for the Respondent, decree holder, states that the matter is listed before the Executing Court on 20.10.2023 and he will take appropriate orders for appointment of bailiff after 24.10.2023 for the purpose of execution of warrants of attachment and possession.

4. The learned counsel for the Appellant states that he continues to abide by the statement made before this Court on 10.10.2023 and the Appellant continues to remain willing to cooperate with the due execution of warrants of possession of the property bearing no. T-201, Jain Colony, Part-1, Uttam Nagar, New Delhi ('suit premises'). However, he seeks a clarification that the recovery of possession of suit premises by the Respondent No. 5 i.e., the decree holder shall remain subject to the outcome of the present petition. It is ordered accordingly.

5. Accordingly, to come up for reporting of compliance of execution of warrants of attachment and possession on 07.11.2023.

6. 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 17, 2023/hp/ms

Click here to check corrigendum, if any

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