

# M/S Khanna Traders vs M/S Scholar Publishing House (P) Ltd & ... on 18 December, 2020

**Author: Rajiv Shakdher**

**Bench: Rajiv Shakdher**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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EX.P.75/2013, CRL.M.A.Nos.8650/2014, 92/2020 & E.A.Nos. 05/2015, 734/2016, 34/2018, 5/2020, 1008/2020

M/S KHANNA TRADERS

Through :

Mr. Mohit Paul and Ms. Paul, Advs. ....

versus

M/S SCHOLAR PUBLISHING HOUSE (P) LTD & ORS.

....Judgment Debt

Through : Mr. Deepak Garg, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER  
ORDER

% 18.12.2020 [Court hearing convened via video-conferencing on account of COVID-19]

1. Mr. Mohit Paul, who appears for the decree holder, has pointed that, apart from anything else, cost imposed on judgement debtor nos. 2 to 4 by this Court vide order dated 10.02.2020 has not been paid, as yet. 1.1. Mr. Deepak Garg, who appears for the judgment debtors, says that if the details of the bank account, to which the cost needs to be remitted, are furnished, cost imposed by the said order will be paid immediately. 1.2. Mr Garg, on being queried about the delay, in complying with the said order, submitted that because of the lockdown imposed due to the Coronavirus pandemic, the direction to pay cost could not be complied with. 1.3. According to me, the reason given by Mr. Garg cannot be accepted.

1.4. Insofar as the payment of cost is concerned, there was no requirement of any physical interaction. Cost could have been remitted by calling upon the decree holder to furnish the relevant details or could have been sent via post.

2. Given the fact that cost has not been paid up until now, I am inclined to impose further cost of Rs. 50,000/- on judgment debtor nos. 2 to 4. 2.1 The judgment debtor nos. 2 to 4 are directed to pay the two sets of cost within the next one week.

2.2. Mr. Paul will furnish the bank account details of the decree holder to Mr. Garg in the course of the day via e-mail or WhatsApp. 2.3. Upon the receipt of the account details, cost will be remitted within the timeframe indicated hereinabove.

3. Furthermore, Mr. Garg will place on record the residential addresses and email addresses of judgment debtor nos. 2 to 4 by way of an affidavit. A copy of the same will be furnished to Mr. Paul.

3.1 The aforesaid affidavit will be filed within one week from today.

4. Insofar as the prayers made in the captioned application are concerned, the first prayer has already been allowed, inasmuch as warrants of possession have been issued qua the property described as Khasra No. 46/8 (48/8), admeasuring approximately 4 bighas located at Rani Khera Village, New Delhi [hereinafter, referred to as „Rani Khera property “], by the Court vide order dated 09.10.2020.

4.1. The second prayer made in the application, which is pressed today, is that, the Rani Khera property should be auctioned.

4.2. Mr. Garg says that the judgment debtors would have no objection if this Court were to direct sale of the said property. 4.3 The statement of Mr. Garg is taken on record.

5. Accordingly, a sale proclamation will issue. 5.1. For the aforesaid purpose, the matter will be listed before the Joint Registrar (Judicial) on 19.01.2021 for taking the matter forward.

6. Furthermore, the judgment debtors will file affidavit(s) of assets in terms of the directions contained in the judgement dated 05.08.2020 rendered in Bhandari Engineers & Builders Pvt. Ltd. vs. Maharia Raj Joint Venture and Ors., MANU/DE/1497/2020. In particular, the judgement debtors will bear in mind the reference made to annexures A-1 to C-1 in the said judgement.

6.1 Copy of the said affidavit(s) will be furnished to Mr. Paul.

7. The captioned application is, accordingly, disposed of.

8. List the matter on 15.04.2021.

8.1 On the next date of hearing, judgement debtor nos. 2 to 4 shall join the proceedings either physically or via the videoconferencing mechanism depending on how the Court is to convene.

8.2. This information will be given to the judgement debtors by Mr. Garg as he would know as to how the Court will convene on the said date. E.A.Nos.34/2018, 5/2020 & CRL.M.A.No.92/2020

9. Mr. Garg seeks and is granted three weeks to file reply(ies) to the captioned applications.

10. List the captioned applications on 15.04.2021.

RAJIV SHAKDHER, J DECEMBER 18, 2020 [Click here to check corrigendum](#), if any