

# Mira Vachani & Ors vs Shanta Wadhwani & Ors on 23 June, 2020

**Author: Rajiv Shakdher**

**Bench: Rajiv Shakdher**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

EX.P. 58/2019

MIRA VACHANI & ORS.

Through

Mr. S. Santanam Swam

Mr. Kartik Malhotra

Sachdeva, Advs.

Versus

SHANTA WADHWANI & ORS.

.....Judgment Debt

Through Ms. Aastha Dhawan, Adv. for JD-1.

Ms. Renuka Singh with Ms. Shreya

Dubey, Advs. for JD-2 & 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 23.06.2020 [Court hearing convened via video-conferencing on account of COVID-19]  
E.A.No.502-503/2020

1. Allowed, subject to the applicants curing the deficiencies referred to in the captioned applications within five days of the lockdown qua this Court being lifted.
2. This application has been moved on account of the information received by the applicants that, one, Mr. Santosh Kumar Choudhary has been appointed as the third guard to protect the subject property.
3. On account of this apprehension, the captioned application has been moved, wherein following substantive reliefs have been sought:

"(a) Pass appropriate directions for appointment of receiver to take charge and possession of the suit property A-44 Vasant Marg, Vasant Vihar; or

(b) Direct the Judgment Debtor to deposit all the keys to the said Property A-44 Vasant Marg, Vasant Vihar into the court;

or

(c) Permit the Decree Holders to change the locks to the suit property A-44 Vasant Marg, Vasant Vihar and deposit the keys with this Hon'ble Court after inspecting the property jointly with the Judgment Debtor; and/or..."

4. Issue notice to the contesting non-applicants. 4.1 Ms. Aastha Dhawan accepts notice on behalf of the non- applicant/judgment debtor No.1, who is the contesting party.

5. I may only indicate that it is Ms. Dhawan's contention, albeit, on instructions, that Mr. Santosh Kumar Choudhary is no longer guarding the subject property.

5.1 The statement of Ms. Dhawan is taken on record.

6. Ms. Dhawan says that she does not wish to file a reply to the captioned application in view of the counsel for the parties having been agreed that the following directions would suffice:

(i) Upon the applicants or any other decree holder(s) and other judgment debtor(s), apart from Ms. Dhawan's client, intending to inspect the subject property, judgement debtor No.1 will hand over the keys of the subject property for inspection, which would also include the inspection by prospective buyers.

(i)(a) Notice in that behalf will be given to judgment debtor No. 1 at least 48 hours prior to the inspection.

(i)(b) Furthermore, after the inspection is over, the keys will be handed over to judgment debtor No.1.

(ii) The applicants and the judgment debtors will give intimation to each other in case they intend to visit the subject property.

(ii)(a) This intimation will be given via electronic mode i.e. SMS/email.

(iii) If any one of the two guards or both i.e. Mr. Manoj Kumar Choudhary and Mr. Siyaram Choudhary, who are presently deployed at the subject property, are changed for whatever reason, information will be shared amongst those who are party to the present proceedings.

7. It is in view of the aforesaid agreed directions that Ms. Dhawan has chosen to waive her right to file a reply to the captioned application. 7.1 As indicated above, Ms. Dhawan took instructions from her client during the course of the hearing via telephone before she gave her consent for the aforementioned agreed directions.

8. The captioned application is disposed of in the aforementioned terms.

RAJIV SHAKDHER, J JUNE 23, 2020 pmc/KK Click here to check corrigendum, if any