

PROCEEDINGS OF THE DAY		2
Day and Date	Wednesday and 24.05.2023	
Complaint No.	CR/4901/2022 Case titled as Landmark Apartment Private Limited Vs Amit Sharma	
Complainant	Landmark Apartment Private Limited	
Represented through	Shri Amarjeet Kumar Advocate	
Respondent	Amit Sharma	
Respondent Represented	None	
Last date of hearing	01.03.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>Order pronounced.</p> <p>The present complaint was filed on 05.08.2022 and reply was filed on 02.11.2022. The complainant-builder is seeking the direction for allottee respondent to take the possession of the said apartment, to pay outstanding amount, holding charges and maintenance charges.</p> <p>Originally, the respondent-allottee has filed a complaint bearing CR no. 1143 of 2018 on 08.10.2018 and the same was disposed of on 05.03.2019 directing the builder to pay delayed possession charges from 03.11.2018 till actual handing over of possession.</p> <p>Thereafter, respondent-allottee also filed an execution bearing no. E/130/1143/2018, wherein an amount of Rs 4,95,792/-for satisfaction of decree was given to him and it was disposed of on 26.03.2021.</p> <p>Even another execution was filed in the month of December 2021 bearing no. and the same is still pending before adjudicating officer for 15.03.2023. It is also evident from the proceeding of the day 08.02.2022(execution), that possession has already been handed over to the allottee-respondent on 17.11.2022.</p>		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

24/05/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

The present complaint is not maintainable as per principle, of section 47 of CPC, 1908 wherein states -;

47. Questions to be determined by the court executing decree.

(1) All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the court executing the decree and not by a separate suit.

In view of the above, the present complaint is not maintainable and is dismissed. File be consigned to the registry.

Ashok Sangwan
Member
24.05.2023