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EX 315/19
AMJAD ALI Vs. MD. IKRAM

16.04.2025

Present : Sh. Sadiq Hussain, Ld. Counsel for the DH with
DH.
Sh. Sanjeev, Ld. Counsel for the JD (through VC).
JD in person.

Sh. Noor Hassan, father of JD has not appeared before the court even today.

It is seen that father of JD/Sh. Noor Hassan has not been appearing before the court despite repeated directions.

Ld. Counsel for DH submits that Sh. Noor Hassan is deliberately avoiding to appear before the court as the purported sale documents in respect of the property bearing no. 152, Kasai Wali Gali, Khureji Khas, Delhi (hereinafter referred to as 'the property in question') executed by Sh. Noor Hassan in favour of one Smt. Munazarin are forged and fabricated documents and the said documents have been created by JD in collusion with Sh. Noor Hassan to defeat and frustrate the present execution petition.

It is submitted on behalf of the DH that the aforesaid property is an ancestral property and JD is entitled to his share in the aforesaid property and it is requested on behalf of DH that the said property be attached and share of the JD in the said property be sold in auction to realize the decretal amount.

However, Ld. Counsel for JD submits that the aforesaid property has been sold by Sh. Noor Hassan to Smt. Munazarin and sale and purchase documents has been placed on record.

Submissions heard. Record perused.

It is seen that undated agreement to sell has been filed on record on behalf of JD. However, the said agreement to sell apart from stamp paper does not bear the signature of alleged purchaser Smt. Munazarin on any other page of the agreement to sell. Further, other than this undated agreement to sell, no other document has been placed on record by JD in support of the contention of the JD that the property in question was sold by Sh. Noor Hassan to Smt. Munazarin.

In view of this, the court is of the opinion that the undated agreement to sell filed on record is not a valid document of transfer of right in the property in question in favour of Smt. Munazarin. Hence, the said document does not confer any right in the property in question in favour of Smt. Munazarin.

Thus, the court deems it appropriate that the execution of the decree dated 11.02.2019, warrants of attachment of property in question be issued.

Therefore, Sh. Noor Hassan, Smt. Munazarin and JD or any other person claiming right, title or interest in the property bearing no. 152, Kasai Wali Gali, Khureji Khas, Delhi are hereby prohibited from transferring or charging this property

in any way. All persons are also prohibited hereby from taking benefit of such transfer or charge. The order of attachment shall be proclaimed by beat of drums in the locality.

Copy of this order shall be affixed at conspicuous part of the immovable property, the Court as well as office of concerned DM. PF be filed for this. Requisite charges for beat of drum be deposited.

Put up before Ld. ACJ on **13.05.2025** for appointment of bailiff and for report before this court on **30.05.2025**. On 30.05.2025, the JD shall appear before this court to take notice of the date to be fixed for settling the terms of proclamation of sale.

Copy of this order be given to Ld. Counsel for the DH, as requested.

(SOMITRA KUMAR)
DJ-06,EAST/ KKD COURTS
DELHI/16.04.2025 (s)