

EX 4/26

TARUN SHOKEEN Vs. SATISH KUMAR

22.05.2026

Present: Ms. Ruchi Khurana, Id. counsel for DH alongwith
DH No.1.

Ms. Apali Kaushal, Id. counsel for JD through VC
and Mr. Abu Bakkar, Ld. counsel in person.

Mr. Avinash Chand Magan, Ld. counsel for Objector
Prashant Kumar.

It is stated by Id. counsel for DH as well as JD that
there is no stay by Hon'ble High Court in the present execution.
Reply on behalf of JD filed to application u/O 1 Rule 10 of CPC
moved by applicant. Record reveals that objections filed by JD
and application u/O 1 Rule 10 of CPC on behalf of applicant are
pending for disposal. Arguments heard. Put up for orders at 4.00
PM.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
22.05.2026

4.00 PM

Present: None.

By way of this order I shall decide objections filed
by JD and application moved by applicant u/O 1 Rule 10 of CPC.

As per the JD, present execution petition is
premature as appeal is pending before the Hon'ble High Court. It
is stated that the present decree cannot be executed being suffers
from material infirmity. It is stated that registered sale deed of
3/4th share of property was executed by brothers of JD in favour
of Ms. Mona Jain i.e. of plaintiff No.2 and thus there is
irregularity in the transaction itself. It is stated that in the present

execution petition reliefs are sought beyond the scope of decree i.e. arrest/attachment/civil imprisonment and the same are not permissible in a decree for specific performance. It is stated that even if there is no stay granted by Hon'ble High Court this court has inherent power to maintain status quo with respect to the suit property. It is further stated that there is gross inadequacy of consideration amount as the value of property is approximately Rs.6 Crore and the value mentioned in the agreement is only Rs.1,64,000/-.

Per contra, it is stated on behalf of DH that by way of present objections JD is attempting to frustrate the decree passed after the complete trial. It is further stated that since there is no stay by Hon'ble High Court this court can continue with the present execution petition. It is further stated that JD has approached the court with unclean hands as he has already taken the entire sale consideration amount and thereafter he continued to refuse to hand over the possession of suit property since past 9 years. It is further stated that present objections are only dilatory tactics on part of JD to continue in unauthorized possession of the suit property.

Submissions made on behalf of both the parties are taken into consideration. Since there is no stay till date in the present execution petition by Hon'ble High Court, the court is of considered opinion that present objections are without any merit and execution petition can be continued as per law. Regarding the concern of JD with respect to seeking of relief by the DH beyond the scope of decree, it is made clear that a decree can be executed only as per the prescribed procedure and it has nothing to do with the relief if any sought by the DH being beyond the scope of decree/relief not granted in decree. Regarding the

objection of consideration amount of suit property, it is settled law that executing court cannot be behind the decree.

In view of above, objections of JD are disposed of as not allowed.

Regarding application u/O 1 Rule 10 of CPC, it is stated by applicant that applicant is bonafide purchaser and is lawful owner of the suit property having acquired by virtue of registered sale deed dated 24.02.2014 and thus the applicant has prior, subsisting and superior title over the suit property than the DH who has claimed title only on basis of agreement to sell dated 09.10.2017. It is further stated that since the applicant is owner of suit property, he shall be impleaded as party in the present execution petition.

Pursuant to query, it is stated on behalf of applicant that the consideration amount fixed between the parties was Rs.35 Lakh and a sum of Rs.15 Lakh was given in cash in the year 2014 and remaining amount of Rs.20 Lakh was agreed to be paid thereafter in future in between the parties.

It is pointed out on behalf of DH that applicant has mentioned that he is owner of suit property by virtue of registered sale deed however, he has annexed only General Power of Attorney notarized on the Rs.50/- stamp paper and the notarized Agreement to Sell. During course of arguments it is stated by applicant also that only GPA and Agreement to Sell was executed between the parties and there was no registered sale deed executed. It is also stated pursuant to query that no suit for specific performance was filed by applicant with respect to suit property. Nothing is mentioned by applicant as to why no further payment of Rs.20 Lakh was ever made by him qua the suit property. It is also pointed out by DH that the GPA and

Agreement to sell of the suit property allegedly executed on 24.02.2014 are printed on the non judicial stamp paper which were legally allowed to be used in Delhi only till 31.03.2012. Nothing is stated on behalf of applicant as to why the said GPA and Agreement to Sell were executed on the stamp paper which were not valid on the said date.

Application of applicant u/O 1 Rule 10 of CPC is also opposed on behalf of JD.

Considering the fact that applicant has mentioned that he has superior title over the suit property by virtue of Registered Sale Deed however, he has failed to annexe any document in this regard and the documents placed on record with respect to the suit property i.e. notarized GPA and Agreement to Sell were allegedly executed on invalid stamp papers, the submission of applicant with regard to his title are not found reliable. Further, no explanation is given by applicant as to why no suit for specific performance for execution of sale deed was ever been filed and as to why no further payment was given by applicant for the suit property. Thus, the claim of applicant of possessing superior title over the suit property is not found to be acceptable and it appears that the present application is moved just to linger on the proceedings in the present execution petition and to harass the DH. Accordingly, application u/O 1 rule 10 of CPC moved by the applicant is dismissed.

Now to come up further proceedings on 08.06.2026.

(Meenu Kaushik)
District Judge-03
Patiala House Courts, New Delhi
22.05.2026