

Ex. 15/2026

Zaheer Ahmad vs. Saima Begam

18.04.2026

Present: DH with Sh. Z.A. Khan and Mohd. Yusuf, Ld.
Counsels for DH.
Mohd. Hasan, Ld. Counsel for JD.

At this stage, Id. Counsel for the JD submits that due to personal reasons he wants to withdraw his vakalatnama on behalf of the JD. Allowed. Accordingly, Sh. Mohd. Hasan is discharged as Counsel for the JD in the present case.

In view of the aforesaid facts, let fresh notice be issued to the JD.

Arguments on the application of the DH for modification of the order dated 08.04.2026 heard and documents perused. As per the documents of title in favour of the DH, he is the owner of the fourth floor of the suit property bearing no. R-37, out of Khasra No. 108-113, Gali No. 21, Brahampuri, Shahdara, Delhi-110053. Similarly, the title documents of the JD are only in respect of the second floor of the said property without any roof rights.

On 08.04.2026, the JD appeared in Court and stated that the DH is trying to take forcibly possession of the terrace which he has described as a tin-shed and was not a part of the decree. On the basis of the said submission, the Court restrained the DH from taking possession of the terrace or to visit there forcibly. However, after hearing the Ld. Counsel for the DH and on considering the respective title documents in favour of both

the parties, it is abundantly clear that the DH is the owner of the terrace / roof having its rights recorded in the title documents. The room which was part of the decree was already constructed on the terrace when the DH took its possession after purchasing the property and therefore, the said room is also owned by the DH. The same room was got vacated from the JD pursuant to the warrant of possession issued in the execution and in terms of the judgment and decree.

It implies that the JD has no right, title or interest on the terrace/roof of the property except to have access to the water tanks installed thereupon. Accordingly, the order dated 08.04.2026 is recalled and set-aside as far as it directed the DH not to take forcible possession or visit forcibly the terrace/roof of the said property. However, the JD shall have limited right to access the water tank in case of necessity after informing the DH. Application disposed off.

Issue Court notice to the JD for the date already fixed i.e. 08.05.2026.

(SANJAY SHARMA-I)
Principal District & Sessions Judge,
North-East District, KKD, Delhi/18.04.2026