

8 MCA DJ 10/26
MAAN PAL (SINCE DECEASED) THROUGH LR NAMELY
MANOJ MAAN PAL Vs. FEROZ AHMED

25.03.2026

Present: Ld. Counsel for the appellant.
Ld. Counsel for the respondent.

The present appeal has been filed against order dated 24.02.2026 passed by the Ld. Executing Court in case titled as Maan Pal Vs. Feroz Ahmed.

Perusal of the record reveals that in Civil Suit bearing no. 231/2016 decided on 01.05.2018, the Ld. Trial Court had granted the relief of possession, recovery of rent, mesne profits and permanent injunction in favour of the plaintiff/respondent Feroz Ahmed. Thereafter, first appeal was filed against the said judgment/order and the same was dismissed with cost on 27.07.2024 vide which the Ld. Appellate Court had ordered decree of possession alongwith a decree of mesne profits and a decree of permanent injunction in favour of the plaintiff Feroz Ahmed. It is stated that a second appeal has been filed, which is pending before the Hon'ble High Court.

The judgment in case titled as Feroz Ahmed Vs. Maan Pal in Civil Suit No. 231/2016, was passed on 01.05.2018. In the execution petition, certain objections were filed which were dismissed vide order dated 24.02.2026 passed by Ld. SCJ-cum-RC, North-East, Karkardooma Courts, Delhi. This order dated 24.02.2026, has been assailed by way of the present

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appeal.

Furthermore, it would noteworthy to mention here that the crucial piece of evidence in case titled as Feroz Ahmed Vs. Maan Pal bearing suit no. 231/2016, was a settlement arrived at between the parties before mediation centre on 22.04.2014 in case titled as Mohd. Javed & Anr. Vs. Maan Pal bearing case no. 40/2014. Consequent upon the settlement in the mediation centre, the statement of the parties was recorded before the Court and a order/decreed dated 28.04.2014 was passed in that case. The proceedings of that case have been considered by the Ld. Trial Court while deciding the Civil Suit titled as Feroz Ahmed Vs. Maan Pal bearing no. 231/2016 in which the execution proceedings are pending and in which order dated 24.02.2026 which is under scrutiny has been passed.

In the present appeal, the appellant Maan Pal has claimed himself to be the owner of the suit property. He has alleged that the Decree Holder has never purchased the suit property from the erstwhile owner and that the documents like GPA, agreement to sell, receipt, etc. relied upon by him do not confer any title or ownership rights upon him. It is stated that the property was the subject matter of Civil Suit bearing no. 40/2014 which was disposed of on the basis of a mediation settlement, the terms of which have not been properly examined. Also, the JD was in settled possession of the property. It is stated that the legal

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objections filed by the appellant have been mechanically dismissed by the Court. It is also stated that the Ld. Trial Court had no jurisdiction to try and decide the suit as admittedly the rate of rent was below Rs. 3500/- per month. He has thus, prayed that the order dismissing the objections filed by the LR of JD on 27.01.2021, additional objections filed on 24.03.2023 and 15.11.2024, is erroneous and be set aside.

The Ahlmad of this Court is directed to segregate these objections filed by the JD from the bulky record of this file.

List for further arguments on appeal on **02.05.2026 at 12:00 pm.**

At this stage, it is submitted by the counsel for the appellant that fresh warrants of possession and warrants of attachment have been issued by the Executing Court and the matter is now listed for 10.04.2026 for execution of warrants.

On his request, the proceeding before the Ld. Executing Court are hereby stayed till the next date of hearing only. In case, arguments are not advanced in appeal on the next date of hearing, the appeal shall be decided on merits on the basis of the material available on record. It is also clarified that in case, the stay on proceedings of the Executing Court is not specifically extended, the same shall stand vacated automatically.

Copy of this order be sent to the Ld. Executing

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Court for compliance.

List on **02.05.2026** at **12:00 pm**.

Order dasti.

(Gomati Manocha)
District Judge-02/North-East,
KKD Courts, Delhi/25.03.2026