

EX 21/24

AKEEL AHMED Vs. JALALUDDIN @ KALU

09.07.2025

Present: Ld. Counsel for decree holder with decree holder.
Sh. Naveen Kumar Goyal, Ld. Counsel for objector
Shahabuddin.
None for JD.
Mr. Abhishek Sharma, Counsel/Court Auctioneer.

- 1) Court Auctioneer has filed his report as per which despite efforts, the property could not be put to sale. The same is taken on record.
- 2) Objector Shahabuddin has preferred objections U/O XXI Rule 26 CPC r/w Section 151 CPC. The said provision deals with stay of execution proceedings and does not provide for filing of objections.
- 3) At the oral request of the Counsel for objector, the said objections are treated to have been filed U/O XXI Rule 97/101 CPC.
- 4) Copy supplied. With the consent of parties, arguments on the said objections heard.
- 5) Objector Shahabuddin claims that he is absolute owner and in possession of property bearing H. No. 1209, Gali No. 14, 3rd Floor, Rajiv Gandhi Nagar, New Mustafabad, Delhi as he purchased the same from his father through notarized GPA, agreement to sell. **It is pertinent to note that the date of the said purchase or the copies of the said documents have not been filed on record by the objector.**

- 6) Objector claims that eventually his father expired on 11.07.2016 leaving behind 4 sons and 2 daughters. **Pertinently, JD/Jalaluddin is also of the said LRs.** Objector claims that eventually by way of a notarized relinquishment deed dated 09.02.2023, the other LRS of Nazir Ahmed (father of objector and JD) relinquished the aforesaid property in his favour. Thus, as per objector, he is the sole owner and in possession of the property and thus, as per the objector, the aforesaid property could not have been attached or be sold by way of auction.
- 7) The said objections are resisted by the decree holder on the ground that JD is the owner of the aforesaid property and each time warrants of attachment were sent earlier, JD, his daughters or one more lady was found and on none of the said occasions, his brother/present objector appeared to claim ownership of the property attached. It is argued that now, only to avoid execution of decree, JD in connivance with his brother/objector are setting up a false plea qua ownership of objector. On the said count, request is made to dismiss the present objections.
- 8) I have given thoughtful consideration to the rival arguments of parties and have also perused the record.
- 9) The aforesaid property was attached on orders of this Court on 25.01.2025 and till 05.07.2025 (when present objections were filed) the present objector did not appear before this Court to object to the attachment proceedings.
- 10) Admittedly, he is the real brother of JD. Now, as per him, he purchased the property in question from his father Nazir Ahmad by way of a notarized GPA, agreement to sell and

receipt. But, surprisingly, he neither discloses the date of said purchase or places on record the said document.

- 11) Further still, he claims that after the death of his father on 11.07.2016, the other LRs of his father relinquished the aforesaid property in his favour by a notarized relinquishment dated 09.02.2023.
- 12) Now, if the objector had already purchased the property in question from his father (which could obviously happen when his father/Nazir Ahmad was alive) where is question of any relinquishment being made by the other legal heirs in favour of objector. If objector became owner of the property, as claimed by him, on the basis of notarized GPA etc, there was no need for any relinquishment deed being executed in his favour by the other LRs. This means that his story of purchase of property in question from his father is nothing but a sham and it is on that count that he has not preferred to file any documentary proof to support the said contention.
- 13) It is pertinent to note that the relinquishment dated 09.02.2023 being relied upon by the objector is an unregistered document. It is settled law that no right, title or interest in an immovable property of value of over Rs. 100/- can be created/effected by way of an unregistered document and thus, the unregistered relinquishment deed relied upon by the plaintiff cannot give absolute ownership of the property in question to objector/Shahabuddin.
- 14) It may be noted that the documents filed by the objector Shahabuddin i.e. unregistered GPA, agreement to sell (dated 16.01.2013 purportedly executed by one Abdul Munaf in favour

of Abdul Nazir/father of objector and JD; and the unregistered relinquishment deed dated 09.02.2023) pertained to the entire piece of land measuring 59 sq yards and does not pertain to only the third floor of the property attached. It means that if Abdul Nazir was owner of the entire 59 sq yards of land (where a building exists with a number of floors; out of which the third floor has been attached) and said Abdul Nazir left behind 6 legal heirs (as per objector's own claim) JD shall have interest in the entire 59 sq yards of land including the third floor of the property built thereupon.

- 15) Considering the above, the objections of the objector that he is the absolute owner of the entire 59 sq yards of land (including the entire third floor of the above described property) is not borne out from the record. He has made contradictory claims about his own ownership and it appears that he is hand in glove with his brother/JD to prevent execution of the present decree.
- 16) Thus, the present objections are liable to be dismissed. It is ordered accordingly.
- 17) Let fresh proclamation of sale be issued with date of auction fixed as 30.08.2025. The terms/conditions of sale fixed vide order dated 24.04.2025 shall remain the same.
- 18) Let the relevant charges/fees in terms of the said order be deposited.
- 19) Mr. Abhishek Sharma is again appointed as Court Auctioneer in this case.
- 20) List before this Court on 04.09.2025.

21) In case the auction proceedings again fail, needless to say that decree holder shall be at liberty to seek execution by other means including, but not limited to by seeking arrest of JD. Dasti.

Aashish Gupta
DJ-01/NE/KKD/DELHI
09.07.2025