

04.08.2025

Present: None.

1. Vide this order, I shall decide the objections preferred by five objectors namely Vimla Devi, Anil Kumar, Manoj Kumar, Rajeshwari Devi and Brijesh Devi u/O XXI Rule 97 CPC. I shall also decide their application seeking stay of order dated 04.06.2025 and 14.07.2025.
2. Vide order dated 04.06.2025, 1/5th share of JD/Sumit Kumar in property described in the said order has been ordered to be attached.
3. The aforesaid objectors have come before this court claiming that JD, Anil Kumar, Manoj Kumar, Rajeshwari Devi and Brijesh Devi had relinquished their share in the suit property to objector Vimla Devi by way of an unregistered relinquishment deed and therefore, the said property (to the extent of JD's share) could not have been attached. They also claimed that since the said property is the sole dwelling house of each one of them, the property in question could not have been ordered to be attached in light of section 60(1)(ccc) of CPC.
4. No notice of the present application was issued to the DH and I proposed to dispose off the present objections *in limine*.
5. As per objector's own case, the purported relinquishment deed made by children of Vimla is an unregistered document and the same cannot create any right, title or interest in favour of Vimla (to the

extent of the relinquishment purported to be made by the executants in favour of Vimla). Thus, the annexed relinquishment deed dated 14.08.2017 cannot make objector Vimla the sole owner of the suit property.

6. Even otherwise, vide order dated 04.06.2025 only the share of JD/Sumit has been ordered to be attached by this court and there is no order whereby the share of other stakeholders in the property has been ordered to be attached. Thus, the objections filed on the ground of purported relinquishment deed are without merit.
7. Even otherwise, I may note that the present objections preferred u/O XXI Rule 97 CPC are not maintainable on a legal point also. There is no decree of possession against immovable property in this case which is sought to be executed. Thus, there is no question of the objectors preferring objections under the aforesaid provision. The objections are liable to be dismissed on this ground also.
8. As far as the contention of the objectors that they are residing in the property sought to be attached is concerned, suffice is to say that since their share in the property has not been ordered to be attached and since they are not the JD(s) under the decree in question, section 60(1)(ccc) CPC shall not come to their aid.
9. Thus, the objections preferred by Vimla Devi, Anil Kumar, Manoj Kumar, Rajeshwari Devi and Brijesh Devi are misconceived. They are dismissed *in limine*. Consequently, the stay application seeking stay to the attachment proceedings of JD's share in the property vide order dated 04.06.2025 and 14.07.2025 is also dismissed.
10. Counsel for the above objectors is also counsel for JD in this case

and he has preferred a separate application u/O XXI Rule 58 CPC *inter alia* claiming protection u/s 60(1)(ccc) CPC. Let notice of this application be issued to the DH on filing of PF through all permissible modes.

List on 30.08.2025.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
04.08.2025