

EX 753/17
SMT ASFA KHATOON Vs. TAZEEM AHMAD

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04.02.2026

Present: Mr. Hashim Ali, Ld. Counsel for decree holder.
DH through V.C.
Ld. Counsel for JD with JD.

1. Mediation between the parties has failed.
2. JD has filed his affidavits of income and assets alongwith certain documents (with affidavits now exhibited as Ex.X1 and Ex. X2 in both the execution petitions respectively and the documents filed exhibited as Ex. X3 in execution petition No. 753/17).
3. Separate statement of JD is also recorded in Court today to find out the capacity of the JD to pay and also to find out whether he is being truthful about his assets/capacity to pay as disclosed by him in Ex. X1 and Ex. X2.
4. JD claims that he earns about Rs. 35,000/- to Rs. 40,000/- per month from jeans packing work and he runs the said business from N-7 and N-8, Janta Colony, Welcome, Delhi-53. He further claims that property bearing No. N-7, Janta Colony, Welcome, Delhi-53 was of his late wife Tasleem Jahan and he was the owner of property No. N-8, Janta Colony, Welcome, Delhi.
5. Perusal of affidavits Ex.X1 and Ex. X2 would show that JD and his wife Tasleem Jahan have sold the aforesaid property to one Shadab Alam in 2013.

6. On query of Court, JD submitted that the aforesaid two properties have been merged into one to construct about 20 years back. It may be noted that JD had earlier claimed before the Court on 10.09.2025 that he and his wife are the owners of the said property. He did not disclose the fact that Shadab Alam has been sold the said properties earlier.
7. JD has also not disclosed his income of Rs. 35,000/- to Rs. 40,000/- per month in his affidavit Ex. X1 and Ex.X2.
8. Thus, evidently JD has lied on oath before this Court and has given false affidavits of his income and assets.
9. In such circumstances, I am of the opinion that prima facie JD has violated Section Section 227 BNS r/w Section 229 and 236 BNS (as he has given false evidence/statements about his assets and income noted above). Thus, he is liable to be prosecuted under the aforesaid provisions in light of Section 215 (1)(b) BNSS r/w Section 379 BNSS.
10. Before proceeding in that direction, JD is given one opportunity to show-cause as to why the said proceedings be not taken against him.
11. Copy of this order shall serve as show-cause notice to the JD.
12. The warrants of attachment sent qua the properties noted above have come back duly executed. No objections qua the said attachment filed by any person till date. It appears that the claim of sale made in the affidavits Ex. X1 and Ex. X2 is a false claim in as much as the documents Ex.X3 filed in Court are unregistered documents in the nature of GPA, agreement to sell. It is settled law that said documents cannot create any right, title

or interest in a given property and thus, on the basis of Ex. X3, it cannot be presumed that JD or his wife has actually sold the aforesaid properties to any Shadab Alam. This is more so because, as per JD, he is still residing in the same properties.

13. Thus, in my humble opinion, the claim of sale is essentially a facade to frustrate the decree.

14. List on 10.02.2026 for filing of reply to show-cause as well as for consideration about further orders to be passed qua the above properties.

Aashish Gupta
DJ-01/NE/KKD/DELHI
04.02.2026