

Execution No. 308/2025

Harcharan Singh Josh Decree Holder

Versus

Amrit Pal Kaur & Ors. Judgment Debtors

13.02.2026.

Present: Sh. Ambuj Saraswat Ld. Counsel for DH through VC.

Sh. G. S. Charya Ld. Counsel for JD through VC.

None for Objectors/applicants.

ORDER

At 5.54PM

Present: None for DH.

None for JD.

None for objector.

1. By this order, firstly, I shall decide the application/objection Under Section 47 CPC R/W Section 151 CPC filed on behalf of the applicants/ Objectors/Legal Heirs Of Deceased Late Sh. Ujjagar Singh Josh namely (1) Harjeet Kaur @ W/O Sh. Bharat Chabria. (2) Harmeet Kaur. (3) Harminder Singh And (4) Amandeep Kaur.

CASE OF OBJECTORS

2. It is averred that the Applicants/Objectors are the legal heirs of the deceased Late Sh. Ujjagar Singh Josh who was the real brother of the Decree Holder Sh. Harcharan Singh Josh and the brother-in-law of the Judgment Debtor No.1 and the real uncle (Chacha) of the Judgment Debtors No.2 and 3.

3. It is further averred that as a matter of fact, the suit was filed by the Decree Holder (herein)/the Plaintiff against the Judgment Debtors for the possession, recovery of damages and permanent injunction for the property bearing No.C-1/10, Phase-II, Ashok Vihar, Delhi-110052 wherein the deceased Late Sh. Ujjagar Singh Josh was not impleaded in the array of parties as the Plaintiff or Defendants and was brought the witness box as PW-2 by the Plaintiff.

4. It is averred that as per the cross-examination and evidence affidavit filed by the deceased Late Sh. Ujjagar Singh Josh, he admitted that his name was not mentioned in the allotment documents of the property since he was settled in business and at the instance of the father (Late Sh. Jai Singh), the name of Sh. Surender Singh was included in the ownership documents of the property. But the witness clearly mentioned in his cross-examination that the property was in the name of the Plaintiff and the Defendants i.e. the Decree Holder and the husband of the Judgment Debtor No.1. same was that as a matter of fact, the funds for the purchased of the property was given by Late Sh. Jai Singh who is the father of the Decree Holder and the Father-In-Law of the Judgment Debtor No.1 and the Grandfather of the Judgment Debtor No.2 and 3 and the purchased by the funds of Late Sh. Jai Singh and because of the reason, the name of the Decree Holder and the husband of the Judgment Debtor No.1 was mentioned in the said documents and the Decree Holder assured the father of the Applicants/Objectors that since the property was purchased by Late Sh. Jai Singh hence, he shall give their adequate

share to them as well but the intention of the Decree Holder became malafide after the demise of the father of the Applicants/Objectors and fraudulently, he obtained signatures of the Applicants/Objectors on various blank papers and vakalatnama in the garb of the transfer of the share of Late Sh. Ujjagar Singh Josh in the name of the Applicants/Objectors and also for the transfer of the properties which were in the name of Late Sh. Ujjagar Singh Josh in the name of the Applicants/Objectors as Late Sh. Ujjagar Singh Josh died intestate.

5. It is further averred that the Decree Holder deliberately failed to produce the documents and statements made before the police officials of P.S. Ashok Vihar, Delhi wherein the F.I.R. No.352/2003 was registered before this Hon'ble Court (Now quashed by the Hon'ble Supreme Court of India in Special Leave to Appeal (C) No.2380/2025). (arising out of impugned final judgment dated 14.10.2024 in RFA NO.71/2016 passed by High Court of Delhi at New Delhi], the Decree Holder and Late Sh. Ujjagar Singh Josh (Witness/Father of the Applicants/Objectors) had admitted the fact that the said property is an ancestral property and after the death of the father Late Sh. Jai Singh, the property has not been divided between the brothers and sisters.

6. It is further averred that the father of the Applicants/Objectors was induced by the Decree Holder and the Decree Holder portrayed himself as the well-wisher of the Applicants/Objectors and their father as the father of the Applicants/Objectors during his lifetime, told the

Applicants/Objectors that the Decree Holder had induced him as he promised that he shall give the adequate share in the suit property as well as the other properties of deceased Late Sh. Jai Singh but not gave any share to him in the suit property. It was further informed by the deceased Late Sh. Ujjagar Singh Josh to the Applicants/Objectors that since Late Sh. Jai Singh died intestate hence to save guard estate of Late Sh. Jai Singh, the Decree Holder is taking all appropriate steps and will distribute the equal share amongst the all legal heirs of Late Sh. Jai Singh and the Applicants/Objectors were not aware regarding the pendency of any litigation pertaining to the estate of Late Sh. Jai Singh.

7. It is further averred that on 20.07.2024, the one of Applicant/Objector namely Smt. Harjeet Kaur @ Sahiba Chabria received a Notice from the Hon'ble Court of Ms. Ritika Kansal, MM-04, North West, Rohini Courts, Delhi in case F.I.R. No.352/2003 P.S. Ashok Vihar, Delhi which were marked to D.C.P. concern and also to P.W. Ujjagar Singh son of Late Sh. Jai Singh at address AC-III/21-D, MIG Flats, Shalimar Bagh, Delhi and the neighbors upon inquiry from the I.O. given the phone number of one of Applicant/Objector namely Smt. Harjeet Kaur @ Sahiba Chabria and she appeared in police station Ashok Vihar and thereafter, upon appearance in the court through V.C. alongwith Counsel, the Applicants/Objectors came to know about the pendency of the present case and upon appearance, it was revealed that the Counsel for the Decree Holder is representing the Applicants/Objectors without any authority

in the case No. C.S. DJ/19328/2016 title as Amrit Pal Kaur & Ors. V/s Harcharan Singh Josh & Ors. pertaining to the estate of Late Sh. Jai Singh and the Counsel namely Ambuj Sarswat had played a fraud upon the Applicants/Objectors and the Hon'ble Court wherein the suit is pending.

8. It is further averred that since the legal heir No.II namely Harminder Singh @ Sonu in the case No.C.S. DJ/19328/2016 title as Amrit Pal Kaur & Ors. V/s Harcharan Singh Josh & Ors. was induced by the Decree Holder and had obtained his signatures and on various blank papers as well as Vakalatnama and without his knowledge and consent had filed the written statement without his knowledge and consent and without any authority and also mentioned that a Will of Late Sh. Jai Singh had been provided by him pertaining to the other properties and the other Objectors were not in talking term with their brother but after the intervention of the family members (The husband of the Objector No.1), the Objector Harminder Singh had disclosed that he had never signed any document, Vakalatnama, written statement pertaining to the said suit and had never handed over any alleged Will of the deceased Late Sh. Jai Singh to the Decree Holder and the Decree Holder had obtained his signatures on blank documents, vakalatnama and misused the same under the garb of the suit for the estate of Late Sh. Ujjagar Singh Josh in the suit for partition filed by Smt. Amrit Pal Kaur & Ors. against the Decree Holder and other legal heirs of deceased Late Sh. Jai Singh.

9. It is further averred that since the present execution is filed by the Decree Holder for the suit filed by him pertaining to the property No.C-1/10, Phase-II, Ashok Vihar, Delhi-110052 which admittedly the ancestral property having the shares of all legal heirs of the deceased Late Sh. Jai Singh hence, the present objections are filed by the Applicants/Objectors pertaining to the share of deceased Late Late Sh. Ujjagar Singh Josh in the estate of Late Sh. Jai Singh being the legal heirs of Late Sh. Ujjagar Singh Josh who was one of the legal heirs of the deceased Late Sh. Jai Singh and the present decree has been obtained by the Decree Holder by playing fraud upon this Hon'ble Court as well as upon the Applicants/Objectors as the father of the Applicants/ Objectors having a stake in the estate of Late Sh. Jai Singh.

10. It is further averred that the Decree Holder had played a fraud with the Applicants/Objectors and had obtained one Relinquishment Deed pertaining to the property Industrial Plot bearing No.A-55, G.T. Karnal Road, measuring 453.33 sq.yds. which was in the name of deceased Late Sh. Jai Singh from the legal heirs of Late Late Sh. Ujjagar Singh Josh for which the (The Applicants/Objectors herein) Applicants/Objectors herein are in the process of filing the civil suit for cancellation of the documents and also lodged the complaint with police station Ashok Vihar, Delhi.

11. It is further averred that despite the same, the Decree Holder is seeking to execute the decree against the

Judgment Debtor just to grab the share of Applicants/Objectors which is wholly illegal and unlawful.

12. It is further averred that unless the execution proceedings are stayed, the Applicants/Objectors shall suffer irreparable loss and injury as their independent rights in the said property will be seriously prejudiced.

13. It is further averred that the balance of convenience lies in favour of the Applicants/Objectors and no prejudice would be caused to the Decree Holder if the execution is stayed till the disposal of the present objections.

14. It is further averred that the Applicants/Objectors have every right to protect their independent interest in the said property and the Decree Holder cannot take undue advantage of deposition given by non-party witness.

15. It is further averred that the Applicants/Objectors had received the certified copies of the Civil Suit wherein the Decree Holder had obtained the present decree on 26.08.2025 which were to be delivered on 23.09.2025 and accordingly, came to know about the fraud played by the Decree Holder in connivance with the Judgment Debtors and debarred the Objectors/Applicants from their legal rights in the suit property which is ancestral property of all legal heirs of Late Sh. Jai Singh.

16. It is further averred that the Objectors/Applicants have already moved the application under Section 379 of B.N.S.S. against the Decree Holder as well as his associates who had played a fraud upon the Objectors/Applicants in the

civil suit pending in the Hon'ble Court of Sh. Sandeep Sharma, DJ-02, Central, Tis Hazari Courts, Delhi titled as Amrit Pal Kaur V/s Harcharan Singh Josh & Anr. and now fixed for 01.11.2025 and the applications moved by the Objectors/Applicants are fixed for 09/10/25.

**SUBMISSIONS ON BEHALF OF DECREE
HOLDER**

17. It is submitted on behalf of DH that the application under reply has been preferred under Section- 47 of the Code of Civil Procedure which only applies in respect of the questions to be determined by the executing court arising between the parties to the suit in which the decree was passed. It is further submitted that the present objectors were never the parties to the original suit or are representative of any of the party in the original suit, hence, the application under reply deserves to be dismissed on this ground alone.

18. It is further submitted that the applicants claiming to be the heirs of late Sh. Ujjagar Singh Josh alleged that their deceased father was not impleaded in the array of parties as plaintiff or defendants but has categorically admitted that he appeared in the witness box as PW2 to support the case of the plaintiff/decreed holder. It is submitted that the suit was not for partition but for possession of the property in dispute which was illegally encroached upon by the judgment debtors and was ultimately decided in favour of the decreed holder.

19. It is submitted that the applicants deliberately did

not file the testimony of Late Sh. Ujjagar Singh Josh wherein he by way of his affidavit filed in examination in chief far back in month of November, 2004 specifically admitted that it was only the decree holder who purchased the plot in auction and raised construction on the same from his own funds but also included the name of his brother Sardar Surender Singh (since deceased) as co-owner due to love and affection. Sh. Ujjagar Singh also explained both in examination in chief as well as in the cross examination regarding non inclusion of the name of the other brothers including his own name.

20. It is submitted that so far as the averments regarding the property in dispute was an ancestral property, the applicants deliberately did not file any documents in support of the alleged averments except the alleged statements before the police, which are not relevant at this stage. It is further submitted that even otherwise. Sh. Ujjagar Singh Josh never claimed any right in the property in dispute since 2003 till his death i.e. in the year, 2005 accordingly after the passing of the decree the applicants have no right to seek re-trial by way of present application.

21. It is submitted that not a single document in support of para No.5 of the application has been filed and so far as the averments in para No.8 regarding receipt of notice by Smt. Harjeet Kaur @ Sahiba from the Court of Ld. Metropolitan Magistrate, District (North-West), Delhi and the factum of dispute is apparently a vague and an afterthought averments at the behest of the judgment

debtors. To make it more clear, it is submitted that the judgment debtors filed a suit for partition in respect of other properties along with which the schedule of properties was also mentioned wherein the deceased Sh. Ujjagar Singh Josh was impleaded as defendant No.2 and after his death his legal heirs including both the applicants were also impleaded. The said suit bearing original No.1970/2003 titled as Amrit Pal Kaur & Ors. Versus Harcharan Singh Josh & Ors. is still pending in the court of Sh. Sandeep Kumar Sharma, Ld. District Judge-02, District (Central), Tis Hazari Courts, Delhi.

22. It is further submitted that in the said Suit No.1970/2003 neither Sh. Ujjagar Singh or after his death both of the applicants ever raised the issue of the property in dispute despite the fact that in the schedule of properties, the property in dispute was not mentioned. It is worthwhile to mention here that the applicant Sh. Harmender Singh @ Sonu also filed the W.S. through his counsel Sh. Nikhil Singhla and neither raised any issue of the property in dispute nor claimed any right but on the other hand filed a Will left behind by one Sh. Jai Singh (since deceased).

23. It is further submitted that the bare perusal of the signatures of Sh. Harmender Singh @ Sonu on the last page of the W.S. and on the supported affidavit as well as the signatures on the application under reply and on supported affidavit clearly reflects that the signatures on the application under reply have been forged or manipulated. The applicants have also not filed any document to support

that Sh. Harmender Singh @ Sonu was in Delhi on 18.09.2025 as admittedly he is the resident of Calcutta. It seems that either his signatures have been deliberately forged or his intentions have become malafide looking into the fact that the judgment debtors might have allured him with hefty money.

24. It is further submitted that so far as the relinquishment deed was executed by the applicants far back on 04.07.2005 and since then they have not challenged the same.

25. It is further submitted that the application under reply may kindly be dismissed with exemplary cost and warrants of possession qua the suit property in terms of decree may kindly be issued with directions to break open the lock and with the assistance of Local Police.

ANALYSIS AND FINDINGS.

26. I have already heard the arguments on both the sides and meticulously perused the material on record.

27. In the case in hand, the objectors have claimed that the suit property is ancestral in nature and that Late Sh. Ujjagar Singh Josh (their father) had a share therein, and consequently, they are entitled to object to the execution of the decree. However, beside bald averments objectors have not filed any documents or materials on record which could show that suit property was ancestral property.

28. It is an admitted position that Late Sh. Ujjagar Singh Josh was not a party to the original suit and had only

appeared as PW-2, supporting the case of the plaintiff/decree holder.

28.1) Perusal of material on record including judgment of Ld. Trial Court shows that Late Sh. Ujjagar Singh Josh had appeared as a witness on behalf of plaintiff i.e. PW-2 and he had nowhere claimed the property as an ancestral property. Moreover as discussed aforesaid merely claiming a property as ancestral property without any cogent evidence or material is just a bald assertion and particularly in the given facts and circumstances of the case court is of the view that above submissions regarding ancestral property is just to delay the execution proceedings filed on behalf of DH.

29. In the present execution petition, the foremost question which arises for consideration is whether the present application under Section 47 CPC is maintainable at the instance of the objectors.

30. Section 47 CPC clearly stipulates that all questions arising between the parties to the suit or their representatives relating to execution, discharge or satisfaction of the decree shall be determined by the executing court.

31. In the present execution petition, it is admitted by the objectors that the objectors were neither parties to the suit, nor they are representatives of any party to the decree, nor have they been substituted in place of any party to the suit.

31.1) Material on record shows that Late Sh. Ujjagar Singh Josh , in his testimony before trial court had categorically admitted that the suit property was purchased by the decree holder. It is further admitted that construction was raised from his own funds, and the name of another brother was included only out of love and affection.

31.2) Material on record and particularly judgment of Ld. Trial Court shows that at no point during his lifetime did Late Sh. Ujjagar Singh Josh assert any ownership or share in the suit property. He never sought impleadment, nor filed any independent proceedings claiming rights therein. At never point of time Late Sh. Ujjagar Singh Josh claimed that the suit property was ancestral property therefore, the claims of legal heirs/objectors regarding claim that suit property was ancestral property is devoid of substance and in view of court above objections is made in desperation just to delay the execution proceeding. Moreover, contention regarding the property being “ancestral” is unsupported by any documentary evidence. The alleged statements mentioned aforesaid on behalf of objectors before police authorities do not confer any title and are wholly irrelevant for the purposes of present execution proceedings. Any statement before Police Officials also is not an evidence of nature of property as ancestral property.

31.3) After going through objection filed on behalf of objectors court is of the view that in essence and substance objectors are challenging the decree passed by Trial Court in the garb of present execution petition, which is not

permissible as per law. In the view of court, objections filed by the objectors are objections reflecting desperation of objectors to obstruct the execution proceedings anyhow which has attained finality.

31.4) The story has not ended here. In desperation one of the submission of Objectors are that they are in possession of the suit property and therefore, present decree cannot be executed against them. However, beside bald assertion objectors have not filed any material on record as to in which capacity they are legally in possession of suit property. Objectors have also not filed any material on record which could show that they are in actual possession of suit property in their own right. In the view of court, submissions qua possessions is just a mere pretext to anyhow delay the execution proceedings in collusion with JDs. Moreover, the suit filed by DH was not for partition of suit property. Suit was filed by DH for possession and damages and Ld. Trial Court had given finding in favour of DH, thereby, granting relief of possession and damages in favour of DH. In the view of court, there is force in arguments of Ld. Counsel for DH that Objectors are just adopting delaying tactics to delay the execution of decree.

32. One of the most relevant point in the view of court is that objectors are relative of DH and his father Late Sh. Ujjagar Singh Josh had also appeared as witness in trial court but at no point of time objectors have raised the issue of impleadment of objectors by claiming that they are in

possession and therefore, they are entitled to be impleaded as party. Moreover, objections filed by objectors nowhere shows that they are in de jure in possession of suit property in capacity of owner of suit property as they have independent titles.

33. Even assuming for the sake of arguments that objectors are relative of DH and JDs and therefore they were visiting the suit property and permitted to stay in suit property in capacity of relatives, that does not give any independent right, title or interest in favour of objectors qua suit property.

34. In the view of court, objectors are indirectly challenging the decree passed by trial court on merits which is otherwise not permissible. The decree has attained finality, and the executing court cannot go behind the decree or reopen issues which were either decided or could have been raised during trial.

35. The allegations of fraud, forged signatures, misuse of vakalatnama and blank papers raised by objectors are also just ruse to delay the execution proceedings in garb of above objections claiming right of possession in suit property by claiming that suit property is ancestral property.

35.1 Moreover, as discussed above the father of objectors Late Sh. Ujjagar Singh Josh had admitted in the suit before trial court that it was only the DH who had purchased the plot and raised construction on the same from his own fund and included the name of his brother Sardar Surender Singh as co-owner as love and affection.

Furthermore, the father of objectors have never claimed any right in suit property till his death by claiming that suit property is ancestral property, therefore, in the view of court, objections raised by objectors are devoid of merit and substance.

36. In the view of court, the objections appear to have been filed only after initiation of execution proceedings, clearly with the intent to delay and frustrate the decree.

CONCLUSION

37. In view of the above discussion, this Court is of the considered opinion that the present application under Section 47 CPC filed on behalf of above objectors is not maintainable, and even on merits, the objectors have failed to establish any legal right or interest in the suit property, therefore, the application/objections under Section 47 read with Section 151 CPC filed on behalf of above objectors are hereby dismissed

Application stands disposed of accordingly.

Now, I will take the applications moved by Judgment Debtor.

1. By this common order, this Court will dispose of the following applications filed on behalf of the Judgment Debtors:

- i. Application under Section 151 CPC seeking referral of the matter to mediation and modification of order dated 28.11.2025;
- ii. Objections under Section 47 read with Section 151

CPC seeking rejection/dismissal of Execution Petition dated 30.07.2025; and

iii. Additional objections under Section 47 read with Section 151 CPC alleging non-compliance of Order XXI Rule 6 CPC.

2. Since all the applications arise out of the same execution proceedings and involve common questions of law and fact, they are being decided together.

FACTUAL BACKGROUND

3. The Decree Holder has filed the present execution petition seeking execution of Judgment and Decree dated 28.10.2015 passed in Civil Suit No. 65/2013 titled “Harcharan Singh Josh vs. Amrit Pal Kaur & Ors.”, which was filed for decree of possession and damages as affirmed by the Hon’ble High Court of Delhi vide judgment dated 14.10.2024 in RFA No. 71/2016.

4. It is an admitted position that the Judgment Debtors preferred Special Leave Petition before the Hon’ble Supreme Court being SLP (C) No. 2380/2025, wherein vide order dated 08.08.2025, the Hon’ble Apex Court modified the decree only to the limited extent of setting aside the award of damages, with a direction that the amount of damages be deposited, if any, be refunded to the petitioners by the jurisdictional court.

CONTENTIONS OF THE JUDGMENT DEBTORS

5. The principal objections raised by the Judgment Debtors are:

- a) That the decree dated 28.10.2015 is not executable unless a modified/amended decree sheet is obtained pursuant to the order of the Hon'ble Supreme Court;
- b) That execution proceedings cannot continue until the amount of damages is refunded to the Judgment Debtors;
- c) That the execution is bad for non-compliance of Order XXI Rule 6 CPC; and
- d) That the matter deserves to be referred to mediation in view of alleged settlement talks.

CONTENTIONS OF THE DECREE HOLDER

6. The Decree Holder has opposed the applications contending that:

- a) The modification by the Hon'ble Supreme Court is limited only to the damages component and does not render the entire decree in executable;
- b) The Decree Holder has already deposited a sum of Rs. 7,55,000/- as recorded in proceedings dated 19.09.2025;
- c) Issues relating to modification of decree do not fall within the scope of Section 47 CPC; and
- d) The objections are frivolous, intended only to delay execution.

ANALYSIS AND FINDINGS.

A. Scope of Section 47 CPC

7. It is settled law that objections under Section 47 CPC are confined to questions relating to the execution, discharge or satisfaction of the decree, and the executing court cannot go behind the decree or reopen issues already settled.

7.1 In the present case, the Hon'ble Supreme Court has modified the decree vide SLP (C) No.2380/2025 dated 08.08.2025 titled as *Amrit Pal Kaurs and Ors. Vs. Harcharan Singh Josh*, only to the limited extent of setting aside the award of damages.

B. Requirement of Amended Decree Sheet

8. The contention on behalf of JD that execution cannot proceed in absence of an amended or fresh decree sheet is misconceived.

8.1 In the view of this court, the executing court is competent to give effect to the decree as modified by the superior court. Non-preparation of an amended decree sheet does not bar execution, particularly when the scope of modification is undisputed and limited. The remainder of the decree passed by Ld. Trial Court as affirmed by Hon'ble Supreme Court qua Possession has attained finality. Mere partial modification of a decree by Hon'ble Supreme Court by setting aside damages does not render the decree inexecutable qua possession nor does it mandate dismissal

of execution proceedings.

8.2 The Judgment Debtors cannot seek dismissal of execution proceedings on above hyper-technical ground that executing court has no jurisdiction to execute decree as Hon'ble Supreme Court has modified decree by setting aside damages. In the view of court, Hon'ble Supreme Court has only set aside the decree qua damages passed against the JDs and nor the decree qua possession, therefore, this court is of the view that this court has jurisdiction to execute decree qua possession.

9. In the view of court, when once an SLP is disposed of with modifications, the order of Hon'ble Supreme Court supersedes and modifies the decree passed by Trial Court. In the present case, suit was filed by plaintiff/DH for decree of possession and damages. The Hon'ble Supreme Court had upheld the possession and waived the damages, therefore, decree qua possession survives and is executable and consequently, the operative decree is now the Trial Court decree as modified by Hon'ble Supreme Court which is required to be executed by this court i.e. Executing Court.

9.1 In the view of court, after modification of decree passed by Ld. Trial Court, the Judgment and decree passed by Ld. Trial Court merged with the order of Hon'ble Supreme Court to the extent of modification and consequently the decree of possession remains valid, subsisting and executable and decree in so far as relates to damages shall be deemed to have been set aside and is not executable. Therefore, in the view of court, execution court is bound to give effect to decree as so modified and execute the same as per modified decree i.e. to the extent of decree qua possession.

Hence, the submissions of Ld. Counsel for JD that decree is required to be modified by Ld. Trial Court is devoid of substance. In view of this court, the executing court is competent enough to execute the decree of possession against JD as decree passed by Ld. Trial Court has attained finality qua decree of possession.

C. Refund of Damages Amount

10. As regards refund of damages, it is borne out from the record that the Decree Holder has already deposited the amount of Rs. 7,55,000/-, which fact stands recorded in judicial proceedings. The issue of release/refund is an administrative consequence of the Hon'ble Supreme Court order and cannot stall execution of the remaining executable portion of the decree qua possession. JD is at liberty to receive the above amount.

D. Objections under Order XXI Rule 6 CPC

11. The objection regarding alleged non-compliance of Order XXI Rule 6 CPC is devoid of merit. The certificate issued by the concerned court have been duly placed on record. In the view of court certificate issued by concerned court for transferring decree for execution to present court through proper channel is perfect in order.

11.1 Even for the sake of argument for a second, it is assumed that there is irregularity in transferring the decree for execution to present court, then also the Judgment Debtors have failed to demonstrate any prejudice caused to them on account of the alleged procedural irregularity. Moreover, court is of the view that there is no procedural

irregularity in transferring the decree in present court for execution and even no prejudice was caused to defendants because of alleged imaginary procedural irregularities in transferring decree for execution to present court.

11.2 It is settled proposition that Procedural provisions are handmaids of justice and cannot be permitted to defeat substantive rights, particularly when the decree has otherwise attained finality. Therefore, court is of the view that above submissions of JD qua defect in transfer order of execution petition is devoid of merit.

E. Prayer for Mediation

12. The prayer for referral to mediation is also liable to be rejected as same is devoid of substance particularly when DH is praying for execution of decree and submitting that above referral of mediation is just a ruse for delaying execution proceedings.

CONCLUSION

13. The Court is of the view that all above applications filed by the Judgment Debtors are misconceived, legally untenable, and intended to delay the execution of a lawful decree.

14. Accordingly, above all applications filed on behalf objectors/JDs are hereby dismissed as devoid of merit and being just a dilatory tactics to delay the execution proceedings. .

15. Let warrants of possession of the suit property be issued on filing of PF with directions to the bailiff to execute

the warrants as per law and the bailiff will take appropriate steps as per Order XXI Rule 35 CPC while executing the warrants of possession. PF be filed within a week from today. The copy of the order be also filed by the DH with the PF to be attached with the warrants. PF be filed within 7 days from today.

15.1 The Civil Nazir will ensure execution of warrants as per law and repeated efforts will be made by the Bailiff till execution of warrants.

15.2 Warrants be put up before Ld. ACJ for appointment of Bailiff for **23.02.2026** for appointment of bailiff.

Put up before this court on **27.02.2026**.

(RAKESH KUMAR V)
DJ-04/North-West
Rohini Courts/Delhi