

11 EX 111-26

SAUMYA ROY Vs. HARMEET SINGH KOHLI

01.06.2026

Present:- Sh. Harish Malik, Ld. Counsel for DH along with
DH in person.
Sh. Samarpit Chauhan (through VC) and Sh. Tarun
Yadav (in person), Ld. Counsel for JD.

1. Objections to execution / application filed by DH under Order XXI Rule 35 CPC seeking issuance of warrants of possession have been filed. It is submitted by Ld. Counsel for DH that he does not wish to file any reply to the objections. It is further submitted that the appeal filed before the Hon'ble High Court of Delhi was also dismissed and hence it is prayed that warrants of possession may be issued as the JD is not vacating the property.

2. It is submitted by Ld. counsel for JD that the decree passed on 13.02.2026 was a preliminary decree which is not severable from the final outcome of the suit and hence it cannot be executed until final adjudication.

3. Arguments heard.

4. List for orders at **4 pm**.

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DJ-1 (South-East), Saket Court
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At 4 pm

5. The application for issuing warrants of possession has been filed under Order XXI Rule 35 CPC which provides that where there is a decree for delivery of any immovable property, possession thereof shall be delivered to the party to whom it has

been adjudged.

6. In the present case, it is seen that vide order dated 13.05.2026, judgment and decree was passed in favour of DH in CS DJ 534/2025 by Ld. Predecessor of this Court. The said judgment was passed on application filed under Order XII Rule 6 CPC and defendant was directed to vacate the suit property bearing No. S-307, 2nd Floor, G.K. 1, New Delhi-110048 within 30 days of the said judgment.

7. Accordingly, preliminary decree was drawn up on the same date directing the defendant to hand over physical, vacant possession of the suit property to the plaintiff within 30 days.

8. Accordingly, when the said vacant possession was not handed over, the present execution was filed on 24.03.2026 with the prayer that the decree dated 13.02.2026 may be executed.

9. Notice was issued to the JD and accordingly appearance was put in by the JD and it was thereafter submitted by the parties that they were exploring possibility of settlement. However, no settlement could be reached and therefore application under Order XXI Rule 35 CPC was filed by DH.

10. Ld. Counsel for JD filed the objections on behalf of JD under Section 47 CPC read with Order XXI Rule 23(2) CPC submitting that the objections have to be decided by the executing Court and that a preliminary decree cannot be executed till there is final adjudication of the matter. Ld. Counsel for DH submitted that it is a settled law that preliminary decree can be executed when judgment is passed under Order XII Rule 6 CPC.

11 The court has considered the submissions made by the

parties. There is no doubt that it is a settled law that a preliminary decree is executable when there is an admitted claim. Order XII Rule 6(2)CPC makes it imperative for the Court to draw up a decree in terms of judgment on admission which can be executed by the plaintiff¹.

12. Thus, there are no merits in the objections filed by the JD and hence same are dismissed. Accordingly, the application filed by JD is disposed of.

13. Application filed by DH for issuing warrants of possession is allowed.

14. In view of the above discussion, issue warrants of possession against JD on filing of PF and affidavit of no stay and no appeal within 7 days with respect to property bearing no. S-307, 2nd Floor, G.K. 1, New Delhi-110048. DH is directed to appear before Ld. ACJ, for appointment of bailiff on **16.07.2026** and report before this court on **27.08.2026**.

(Bhavna Kalia)
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New Delhi/01.06.2026(sk)

¹*Rajiv Ghosh V. Satya Narayan Jaiswal, SLP (Civil) No. 9975 of 2025 decided by Hon'ble Supreme Court of India on 07.04.2025*