

23.04.2026

Present: None.

1. Vide this order I shall dispose of application under Section 151 CPC filed on behalf of Defendant No. 1 seeking recall of the order dated 12.07.2025 of this Court, whereby Defendant No. 1 was directed to furnish security with respect to the sale proceeds of the suit property situated at Haridwar and to file the original title documents of property bearing No. E-69, Jhilmil Colony, Delhi-110095.
2. I have heard learned counsel for the parties and perused the record, including the application, reply, written submissions, and the order dated 12.07.2025.
3. In brief, the grounds pleaded by Defendant No. 1 are that he has made efforts to locate the original title deeds of property bearing No. E-69, Jhilmil Colony, Delhi but could not trace them; that the documents were allegedly retained by the plaintiff after the death of Smt. Usha Sharma; that the bank accounts already stand frozen and, therefore, there is no occasion for further security; that he has already filed an affidavit of assets and liabilities and he has no funds to furnish security, that the order dated 12.07.2025 is harsh and onerous; and objections have allegedly already been filed by Defendant No. 2 before the concerned registrar, hence there is no apprehension of further alienation of of property bearing No. E-69, Jhilmil Colony, Delhi.

4. In reply, Defendant No. 2 has opposed the application on the grounds that Defendant No. 1 is a habitual contemnor and has repeatedly violated the directions of the Court; that the instant application is an attempt to delay the proceedings and defeat the decree that may be passed; that the conduct of Defendant No. 1 shows deliberate non-compliance with the earlier orders of this Court despite repeated directions, that Defendant No. 1 has failed to furnish security and that the apprehension that Defendant No. 1 may further deal with the suit property is well founded.

### **Findings**

5. I have considered the rival submissions.

6. The order dated 12.07.2025 is a detailed and reasoned order, and is self-explanatory.

7. As such, the grounds raised in the present application do not disclose any error apparent on the face of the record, nor do they justify recall of the said order. The explanation now sought to be offered by Defendant No. 1 was already available to him when the order dated 12.07.2025 was passed under Order XXXVIII CPC.

8. Perusal of record shows that that Defendant No. 1 has not complied with the directions issued vide order dated 12.07.2025 by this Court. The plea that he has no funds cannot, by itself, absolve him from complying with the order once the Court has found sufficient material to direct security under Order XXXVIII CPC. The objections raised by Defendant No. 1 are, therefore, devoid of merit.

9. Accordingly, the application under Section 151 CPC is dismissed.

10. However, in the interest of justice, Defendant No. 1 is granted four weeks from today to comply with the order dated 12.07.2025 by furnishing security as directed therein, or by furnishing surety of the same amount.

11. It is made clear that if Defendant No. 1 fails to comply within the aforesaid period, this Court shall be constrained to pass appropriate orders under Order XXXVIII Rule 4 CPC, including orders for civil imprisonment, as permissible in law.

**Announced in open Court today  
on 23.04.2026**

**(Mohammad Ehtesham)**  
**ASJ-07, South East, Saket Courts, Delhi**  
*(Then District Judge-03, Shahdara*  
*District, Karkardooma Courts, Delhi)*  
23.04.2026