

13.03.2026

Present: Sh. Shubham Saini, Ld. Counsel for DH.
Sh. Jitender Tanwar, Ld. Counsel for Objector.

There is a typographical error in the order-sheet dated 05.12.2025, inasmuch as, no application under Order 21 Rule 41 of CPC was filed by the DH.

The application has been filed on 19.12.2025.

The objector herein has challenged the attachment claiming that he is the owner of the property having purchased the same from deceased JD by way of GPA, Agreement to Sell, Will, Affidavit, etc. way back in the year 2003.

Arguments heard.

The arguments of the objector are two fold:

Firstly, the objector became the owner of the property on the basis of unregistered documents having purchased the property in the year 2002.

The first objection has been considered. The documents are not registered and therefore, in view of the specific bar contained in the Registration Act read with provisions of Transfer of Property Act and the decision of the Hon'ble Supreme Court of India in *Suraj Lamp & Industries Pvt. Ltd. Vs. State of Haryana & Anr*, 183 (2011) DLT 1 (SC), the said documents do not create any right, title or interest in the attached property in favour of the JD. These documents, having been prepared after the amendment to the Transfer of Property Act and Registration Act, are only admissible in evidence and can be seen in a suit for specific performance and for no other purpose.

The second argument of the Ld. Counsel for the objector is that the JD has expired and alongwith these agreement to sell, etc., a Will was also executed by him, where the attached property was bequeathed to the objector.

Of course, if that view is taken, the objector would become the LR of the deceased JD, as he would have, after the death, by operation of testamentary succession, become owner of the rights of the deceased in the property. The succession would come with legal obligations i.e., the LR would have to satisfy the decree, to the extent, he has benefited from the estate of the deceased.

If the attached property is treated as having been received by the objector as the estate of the deceased under a “Will”, the same would be amenable to attachment. The situation therefore, would not change either ways.

Objections are, therefore, dismissed as without any merits. However, in view of the stand taken in the court, the objector is hereby impleaded as LR of the deceased JD.

The objector is given opportunity to file valuation of the attached property, so that when the same is auctioned, the market value thereof, is realized.

List for said purpose on **10.04.2026**.

(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/13.03.2026