

35 EX CIVIL 194/23  
ARCHANA Vs. SUNIL SHARMA

09.01.2026

Present: Sh. Bhadani Sarkar, Ld. Counsel for DH through VC.  
Ld. Counsel for JD through VC.  
DH in person.  
JD and Objector in person.

I have perused the objections filed by Sh. Kamal Gaur and the order dated 15.10.2022, passed by the Ld. MM NI Act Sh. Rahul Jain, in a criminal complaint no.4456/2014. The JD herein was convicted by the Ld. MM and, thereafter, when an application for attachment of property was moved, the Ld. MM passed an order, relying on the report of the Tehsildar that the property stood transferred to one Sh. Kamal Gaur by way of a registered Will dated 01.07.2013, as well as, by GPA dated 14.03.2000, made by the convict, i.e., the JD herein. No document showing transfer have been filed by the Objector alongwith the objections. Orally, it is submitted that the property had been transferred by JD to her mother and from there, the nephew of JD has purchased the property.

JD is pointing to the Objector as her nephew.

On questioning, JD or the Objector are unable to show that such transfers were by way of registered instruments.

Objections considered.

No property can be transferred by way of a GPA.

Secondly, property cannot be transferred by way of Will inter vivos. It is only when the testator will die that the property will devolve upon the beneficiaries of the Will.

Therefore, the ownership of the property is still with the JD in the present case, as transfer can only take place by way of a sale deed.

Further, it was for the purchaser/Objector to prove such sale, but no document of title have been filed.

Objections are dismissed.

In these circumstances, issue warrants of attachment of property no. 761, Village Shahbad Mohamadpur, on filing of PF, returnable for **03.02.2026**.

Show cause notice is hereby issued to the JD, as to why a criminal complaint be not made against her for furnishing false affidavit before the court, since it seems that the property in question has been concealed by her in her affidavit. Complaint may be made to the Ld. CJM concerned under the requisite provisions of law and show cause is given to the JD, as an opportunity of hearing on the said aspect.

List before the Ld. ACJ for appointment of Bailiff on **20.01.2026**.

Order dasti.

**(HARJYOT SINGH BHALLA)**  
**DJ-03, SOUTH-WEST, DWARKA**  
**NEW DELHI/09.01.2026**