

30.09.2024

Present: Sh.Chander Mal, Id. Counsel for the D.H  
None for JD.  
None for objector, Sh. Rahul Tiwari and Pankaj Tiwari.

On the last date of hearing, none was present on behalf of the objectors and last opportunity was given to the objectors to make submissions. Today also none is present on behalf of the objectors. Therefore, their right to make submissions stands closed.

Ld. Counsel for the DH submits that the objections of the objectors have already been dismissed vide order dated 9.5.2023. He further submits that in view of the said order, the present objections are not maintainable.

The objectors have taken the same pleas which they have taken in the earlier objections on 27.05.2022.

**Explanation VII of Section 11 of CPC states as under:**

*“Explanation VII- The provision of this section apply to a proceedings for the execution of a decree and reference in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree”.*

The Hon’ble Supreme Court of India in a case titled Dipali Biswas & Ors. Vs Nirmalendu Mukherjee & Ors Civil Appeal

no. 4557 of 2012 and in case titled Sita Ram Vs Devi Dayal decided on 5.12.1968 4(1968) DLT 266 has held that the provision of section 11 CPC is applicable to the proceedings of execution of a decree.

The objections of the objector have already been dismissed by the court on 09.05.2023. So the present objections filed by the objector are barred in view of the provisions of Section 11 CPC. Hence, both objection petitions stand dismissed.

Put up for settlement of terms of sale on 22.11.2024.

(SHIV KUMAR)  
District Judge-02, Court no.127,  
West Distt, Tis Hazari courts  
Delhi: 30.09.2024