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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 39/2026**
RAVINDER KUMARAppellant
Through: Mr. U.S. Gautam, Advocate

versus

PREM SHARMA AND ORS.Respondents
Through: Mr. R.K. Sahni, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
09.02.2026

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CM APPL. 8926/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

FAO 39/2026 & CM APPL. 8925/2026 (stay)

1. By way of present appeal, the appellant seeks to assail the order dated 03.01.2026, passed by the learned District Judge-01, Shahdara District, Karkardooma Courts, Delhi in Misc. Co. No.1090/2025 titled 'Ravinder Kumar v. Prem Sharma', whereby an application under Order IX Rule 13 of The Code of Civil Procedure, 1908, filed by the appellant was dismissed.
2. Learned counsel appearing for the appellant submits that an *ex parte* decree came to be passed on 27.07.2023, however, neither the appellant nor the other defendants were ever served in the suit. It is submitted that the appellant became aware of the passing of the decree only on 22.01.2024, upon receipt of warrants in the execution proceedings. It is further submitted that the appellant's wife preferred objections under the belief that, in the matrimonial proceedings pending between the appellant and his wife, the



subject property had been agreed to be transferred to her. He further submits that the appellant has remained in custody for a period of eight months.

3. Mr. R.K. Sahni, learned counsel appearing on behalf of the respondents upon service of advance notice in the present appeal, be supplied a copy of the paper book during the course of the day.

4. Renotify on 27.03.2026.

5. Learned counsel for the respondents fairly submits that till the next date of hearing, he shall not take steps for execution of the warrants of possession till the next date of hearing,

6. The Registry is directed to requisition the TCR and shall ensure that a properly digitized and bookmarked copy of the same is made available to the Court before the next date of hearing.

MANOJ KUMAR OHRI, J

FEBRUARY 9, 2026/rd