



\$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 154/2025 & CM APPL. 9622/2025

MUKESH KUMAR

.....Appellant

Through: Mr. Barun Kr. Sinha, Ms. Pratibha Sinha, Mr. Sneh Vardhan and Mr. Vaibhav Singh, Advocates.

versus

SAMINDARI DEVI (DECEASED) THR LRS & ORS.

.....Respondents

Through: Ms. Mehak Nakra, Ms. Bhavya Nakra and Ms. Gunjan Suyal, Advocates for DDA.

Mr. Akhil Mittal, Additional Standing Counsel with Ms. Ridhi Jain and Mr. Vaibhav Chaurasiya, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

11.12.2025

%

No one is present on behalf of the contesting respondents Nos.1 (i) to (iv) when the matter is called-out.

CM APPL. 18258/2025

2. Mr. Barun Kr. Sinha, learned counsel appearing for the appellant submits, that *vide* order dated 17.02.2025, the court had issued notice on the regular first appeal as well as on the stay application, in which order it was also recorded that the appellant is agreeable if respondents Nos. 1(i) to (iv) offer *three times* the amount offered by



the appellant before the learned trial court, *in lieu* of the appellant's share in the property under partition.

3. Learned counsel submits, that subsequently respondents Nos.1 (i) to (iv) also filed an application bearing CM APPL. No.18258/2025, praying that the appeal be disposed-of in terms of the offer made by the appellant as recorded in order dated 17.02.2025, thereby implying that the offer made by the appellant on 17.02.2025 was acceptable to respondents Nos.1 (i) to (iv)
4. Mr. Sinha submits however, that while on the one hand the contesting respondents are not appearing in the present proceedings, on the other hand, they have filed an execution petition and are proceeding to execute the impugned judgment and decree dated 25.11.2024, as evidenced by a notice dated 04.11.2025 issued on execution petition bearing EX/100/2025, as received by the appellant, returnable before the learned Executing Court on 15.12.2025.
5. Mr. Sinha has shown a copy of notice dated 04.11.2025 received from the learned Executing Court.
6. Mr Sinha submits, that if the execution proceedings go on, the appellant would suffer serious prejudice in view of the aforesaid facts and circumstances.
7. In light of the submissions made, it is directed *no further steps in execution* of the impugned judgment and decree dated 25.11.2024 passed by the learned District Judge-02, North-East District, Karkardooma District Courts, Delhi in suit bearing CS No. 476336/2015 shall be taken, till the next date of hearing before this court.



8. Re-notify on 25th March 2026.

RFA 154/2025

9. Learned Standing Counsel appearing for respondent No.2/Delhi Development Authority ('DDA') submits, that no relief has been claimed either in the suit or in the present appeal against the DDA; that accordingly be deleted from the array of party-respondents.
10. Mr. Sinha concurs with the submission; and concedes that respondent No.2/DDA be deleted from the array of party-respondents.
11. Accordingly, on oral prayer made, respondent No.2 is deleted from the array of party-respondents.
12. Let amended memo of parties be filed before the next date.
13. A copy of this order be given *dasti* under signatures of the Court Master.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 11, 2025/ak