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

+ **RFA 194/2025**

VATEENA BEGUM

.....Appellant

Through: Mr. Azam Ansari and Mr. Shahkaar
Alam Advocate

versus

SHAMIM ZAFAR & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **04.03.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 11910/2025 & 11911/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 194/2025 & CM APPL. 11912/2025 (stay)

2. The appellant has assailed dismissal of objections filed by her as a stranger in the execution proceedings. In her objections before the execution court, the present appellant claimed to have purchased the subject property by way of agreement to sell and attendant documents dated 21.06.2012. But the execution court held in the impugned order that according to the RTI documents proved before the Court, the concerned stamp papers were issued much later in July and August 2012. In this regard, paragraph 16 of the impugned order bears the relevant discussion.

3. It is further contended by learned counsel for appellant that the RTI documents were not proved in accordance with law. In this regard, learned



counsel has referred to cross examination of PW3, an official from the Delhi Treasury during which cross examination a question was disallowed by the execution court. The said witness had produced the summoned record pertaining to the issuance of the RTI reply. But the cross-examiner asked as to whether the witness had brought records reflecting the dates of issuance of the stamp papers, and the question was disallowed since the said record had not been summoned by any party. It is contended by learned counsel for appellant that despite the witness having proved the RTI reply, it was the duty of the respondents to summon the file of sale of the stamp papers and that the onus did not shift on the appellant to summon the said record.

4. It is contended by learned counsel for appellant that the execution court ought to have discarded the RTI reply because no formal issue on the same was framed. This submission also fails to convince in view of specific issues already framed and forming part of the impugned judgment.

5. *Prima facie*, I am not convinced to grant ex-parte stay.

6. Subject to appellant taking steps within one week, notice through all modes be issued to the respondents returnable on 05.08.2025 before Registrar.

7. Despite passing of this order, learned counsel for appellant is continuing with his submissions. I have repeatedly requested him to let me proceed to the next matter. It is quite unfortunate that initially learned counsel for appellant started with a false and misleading submission that all issues were decided in his favour but only on the basis of RTI documents, the impugned order was passed against the appellant. But on being pointed out the relevant portions of the judgment according to which the issues were decided against the appellant, the learned counsel submitted that the RTI



documents were not proved. But even on that aspect, the submission was not in accordance with the record. At request of learned counsel for appellant, I recorded all his submissions as above. Despite that, the learned counsel is not ready to step aside and let me proceed with the other matters.

8. At this stage, learned counsel states that his stay application be decided right now. I have already observed above that this is not a fit case to grant ex-parte stay, which means that after hearing the other side through detailed arguments and perusal of trial court record, the application shall be considered.

9. Digitized record of the trial court be requisitioned atleast one week before the next date of hearing.

GIRISH KATHPALIA, J

MARCH 4, 2025/as

[Click here to check corrigendum, if any](#)