

**Shashi & Ors. Vs. Shakuntla Devi deceased through
her attorney**

Civil Revision No. 204 of 2025

05.01.2026 Present: Mr. Balram Sharma, Senior Advocate, with Mr. Jyotrmay Bhatt, Advocate, for the petitioners/defendants/Judgment Debtor/ Objector.

Mr. Suneet Goel, Senior Advocate, with
Mr. Vivek Negi, Advocate, for the
respondent/Plaintiff/ Decree Holder.

Civil Revision No. 204 of 2025

On 01.01.2026, a mention was made by the Legal Representatives of the Respondent/Plaintiff/Decree Holder in the case at hand for listing the matter today. At their request, the matter was listed for today.

From a perusal of the documents appended along with the present Civil Revision Petition, specifically placed at Page No. 239 of the Paper Book, it is evident that an application for restoration of the execution proceedings, initiated at the behest of late Smt. Shakuntla Devi and previously filed through her Power of Attorney had been filed on 22.12.2021. Post filing of the same, an Office Report was solicited and the matter was thereafter posted for 05.01.2022 before the Executing Court. On 05.01.2022, notice in the petition was issued to the Judgment Debtors.

The Execution Petition was revived vide order dated 30.08.2022. The same is evident from the order of the

said date and also from the order dated 04.04.2023 passed by the Executing Court.

In terms of Order XXII Rule 12, the provisions of Order XXII do not apply to execution proceedings. An execution petition cannot be dismissed as having abated. In the case at hand, the execution proceedings were continued/got revived by the legal heirs of the deceased Decree Holder, i.e., late Smt. Shakuntla Devi.

In the aforesaid facts and attending circumstances, let a fresh amended Memo of Parties be filed on or before the next date of hearing on behalf of the Jds/present petitioner.

Notice. Mr. Vivek Negi, learned Advocate, appears and waives service of notice on behalf of the LR's of respondent/Plaintiff/ Decree Holder who have already been brought on record by the Executing Court.

CMP No. 32439 of 2025

Pleadings (reply/rejoinder) be filed on or before the next date of hearing.

List on 25.02.2026.

05th January, 2026
(Shamsh Tabrez)

(Bipin C. Negi)
Judge