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

+ EFA(OS) 11/2013

HIND RAVI SHARMA

Through: Appellant in person. Appellant

versus

STATE OF UTTER PRADESH & ORS.

Through: Respondents

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **28.05.2013**

CM No.8802/2013 (exemption)

Allowed subject to just exceptions.

EFA(OS) 11/2013 & CM Nos.8801/2013 (condonation of delay) & 8800/2013 (stay)

1. The appellant has filed the present appeal impugning the order dated 08.02.2003 dismissing his review petition and order dated 17.11.2012 whereby the Court has directed issuance of warrants of possession of land shown in Annexure-DH.1 to Execution Application No.538 of 2011 in respect of 8.48 acres of land which was stated to be in possession of the Judgment Debtor – Society.

2. The case of the appellant before this Court is that the appellant has filed execution applications objecting to the execution of the decree and the

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execution applications are still pending and without disposal of the said applications, the Court has directed issuance of warrants of possession.

3. We have called for the record of the Execution Petition No.83/2001 wherein the execution applications filed by the appellant are stated to be pending.

4. From the record it appears that the appellant has filed the Execution Application No.558/2003 and Execution Application No.363/2004 objecting to the execution of the decree which are still pending. Record also reveals that the appellant also moved an Execution Application No.186/2009 wherein it was alleged that the land of which the appellant was in possession of, i.e., bearing Khasra No.875 admeasuring an area of 167 Bighas and 70 Biswas in Village Madanpur Khadar, had been forcefully taken possession of on 26.02.2005. The appellant in the said execution application has sought restoration of possession. Thereafter, the appellant filed another execution application being Execution Application No.441/2011 seeking certain interim directions from the Court qua his land. All the four execution applications are still pending.

5. The present Execution Application No.538/2011, on which warrants of possession had been issued to the Decree Holder, was filed in furtherance of an Execution Application No.347/2008 wherein warrants of possession could not be served on account of fresh and better particulars. The better particulars, being now made available, the Decree Holder sought warrants of possession for 8.48 acres of land as described in Annexure-DH.1 to the said

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Execution Application No.538/2011.

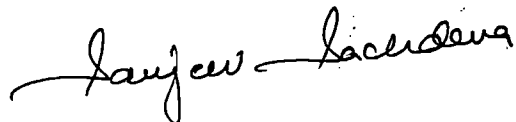
6. The Annexure-DH.1 to the Execution Application No.538/2011 shows that it is in respect of some other khasra numbers with which the appellant has no concern. On a query put to the appellant, the appellant admits that the said 8.48 acres of land of which warrants of possession have now been issued is not the land in respect of which the appellant claimed possession.

7. The stand of the appellant is that since he is aware of the facts of the case, he has right to object and file an appeal against any order passed in the execution since his objections are pending and since as per him the decree holder has no right, title or interest in the land for which the warrants of possession have been issued.

7. We are unable to accept this submission of the appellant for the reason that the appellant has admittedly no right, title or interest in the land admeasuring 8.48 acres of land for which warrants of possession have been issued vide the impugned order dated 17.11.2011. It is only a party who is aggrieved by an order who has the right to file an appeal, a party who has no concern with the land for which warrants of possession has been issued has no right to agitate on behalf of others and file an appeal. As per the appellant, the land does not belong to the decree holder but belongs to the Noida Authority. In our view that makes no difference because the appellant has no concern with the land for which warrants of possession have been issued and the appellant has no right to file the present appeal.

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8. The appeal is, accordingly, dismissed with no order as to costs.



SANJEEV SACHDEVA, J

MAY 28, 2013
sv/st



SANJAY KISHAN KAUL, J