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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EX.P. No.5/2016, EA No.224/2016 (under Order 21 Rules 58 & 99
CPC) & EA No.225/2016 (under Order 21 Rule 99 CPC).
PRAMILA DEVI Decree Holder

Through: Ms. Anjana Gosain, Adv.

versus

BRAHAM SINGH Judgement Debtor

Through: Mr. Ankit Jain, Adv. for JD.
Mr. Amiet Andlay and Mr. Arun K.
Sharma, Adv. of Objector.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
22.11.2016

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1. This order is in continuation of the earlier order dated 6th October, 2016.
 2. The counsel for the decree holder and the counsel for the objector Mr. Ravinder Singh state that Notification under Section 507 of the Delhi Municipal Corporation Act, 1957 has been issued with respect to the subject area.
 3. It is also stated by the counsel for the decree holder that the colony in which the property is situated has been issued a certificate of provisional regularisation. She has handed over in the Court list of documents with documents and which is taken on record and containing a certificate of provisional regularisation.
 4. The counsel for the objector Mr. Ravinder Singh states that the subject colony is not the colony of which certificate has been filed. He further states that the said colony is not shown in the list of unauthorised colony qua which certificate of provisional regularisation has been issued, as

available on the website of the Delhi Government.

5. Qua the query raised in para 11 of the order dated 6th October, 2016, after hearing the counsels, it *prima facie* appears that the question, whether the wall got constructed in this execution encroaches upon the land of the objector Mr. Ravinder Singh, will have to be decided in this execution proceeding only and not by way of an independent legal proceedings.

6. I say *prima facie* because qua the query raised in para 14 of the order dated 6th October, 2016, I am of the view that though the decree under execution was passed by this Court but in view of Office Order dated 24th November, 2015 of Hon'ble the Chief Justice in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015, this execution of a decree below the enhanced minimum pecuniary jurisdiction of this Court and which execution proceedings came up before this Court for the first time on 20th January, 2016 shall also lie before the subordinate court of appropriate territorial jurisdiction; the question aforesaid also is thus best left to be adjudicated by concerned Court.

7. The property is stated to be situated in Madanpur Khadar falling within the territorial jurisdiction of District (South-East), Saket Court Complex, New Delhi.

8. Accordingly, these proceedings are transferred to the Court of the District Judge (South-East), Saket Court Complex, New Delhi.

9. It is made clear that the District Judge/Additional District Judge dealing with this proceeding shall not be swayed by any observation hereinabove and it will be open to such Court to decide whether the question

as has been raised by the objector Mr. Ravinder Singh is to be decided in this execution proceeding or not.

10. The parties to appear before the District Judge/Additional District Judge (South-East), Saket Court Complex, New Delhi on 19th January, 2017.

11. Interim orders to continue.

RAJIV SAHAI ENDLAW, J

NOVEMBER 22, 2016

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