

\$~19

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

+ EX.P. 56/2011 and E.A.(OS)Nos. 753/2013, 203/2016

PADMA MADAN Decree Holder
Through: Mr. Janendra Lal, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI Judgement Debtor
Through: Ms. Mini Pushkarna, St. Counsel with
Ms. Yoothica Pallavi, Advocate.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **30.05.2016**

1. The present execution petition is for execution of judgment and decree dated 5.2.2003 in Suit No. 2405/1992 titled as Smt. Padma Mohan v. MCD. The plaintiff claims the suit plot admeasuring 500 sq. yards bearing No. EC-27, Inderpuri, New Delhi, which the plaintiff/decreed holder is said to have purchased by a registered sale deed dated 4.2.1956 from coloniser M/s The Engineering & Industrial Corporation Limited.

2. I have gone through the judgment and the decree dated

Ex.P. No.56/2011

page 1 of 3

5.2.2003, but it is seen that at best the same will show a decree in favour of the plaintiff for possession of Plot No. EC-27, Inderpuri, New Delhi, however, in reality no specific colony was ever sanctioned with a lay out plan containing a Municipal No. EC-27. The issue, therefore, is of identification of this plot, ownership of which plaintiff claims, noting that the judgment and decree dated 5.2.2003 except decreeing the suit for Plot No. EC-27, Inderpuri, New Delhi, does not give any basis as to how the subject plot is to be identified and which is so because plaintiff herself failed to do so. Identification of a plot is if the sale is of a part of an authorised colony having an authorised lay out plan then by the plot number, or if the colony was unauthorised then it is subsequently regularised, then giving the specific plot number. Also a plot is identified with reference to what exists on the four different directions of the plot, and which is one of the method to identify a plot.

3. In view of the fact that though there is a judgment and decree in favour of the plaintiff/decreed holder dated 5.2.2003, but there can be no identification of the suit plot, and hence there can be no execution

of the judgment and decree dated 5.2.2003. Counsel for the decree holder agrees that this execution petition be disposed of for the time being with liberty to the decree holder to revive the same on the decree holder succeeding in an application under Sections 152 and 153 CPC to be filed in the suit, and which the decree holder proposes to move in the suit so that corrections can be made in the judgment and decree, including by way of leading of evidence if so required, for identification of the subject plot EC-27, Inderpuri, New Delhi, and consequently there being specific identifiable plot which can be executed in execution of a decree in execution proceedings.

4. The execution petition is accordingly disposed of for the time being subject to the aforesaid observations.

VALMIKI J. MEHTA, J

MAY 30, 2016

AK

Ex.P. No.56/2011

page 3 of 3