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

+ EFA(OS) 6/2016, C.M. APPL.7686-7687/2016

NORTH DELHI MUNICIPAL CORPORATION Appellant
Through : Ms. Mini Pushkarna, Advocate.

versus

PADMA MADAN Respondent
Through : Sh. Jai Lal, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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02.03.2016

The appeal is directed against an order dated 22.01.2016 in the course of execution proceedings. Learned Single Judge had, in the course of the execution proceeding in respect of the decree dated 05.02.2003 (which has become final) recorded a statement in the form of an offer on behalf of the appellant that the Decree Holder's representative could meet one of the senior officials of the North Delhi Municipal Corporation and that an appropriate proposal would be given to satisfy the decree.

The grounds urged in appeal are that the plot in question is unascertainable and that in any event the Decree Holder's remedy would be against the coloniser.

We are afraid that the contentions urged in the appeal are beyond the scope of execution proceedings. Concededly, the decree has become final. The judgment of the learned Single Judge rendered

in 2003 reflects that time and again, the Judgement Debtor/appellant was afforded opportunity. In fact it had filed its written statement. On the basis of *ex-parte* evidence and further opportunity, the learned Single Judge delivered judgment. We also notice that the impugned order is not final order and has merely left it to the parties to try and work out the execution to their mutual satisfaction.

In these circumstances, the appeal is without merit. It is accordingly dismissed.

Order dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MARCH 02, 2016
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