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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 121/2015 and CM No. 2533/2015

AVTAR SINGH (NOW DECEASED) THR LRS

..... Petitioner

Through Mr. S.K. Bhalla, Advocate

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through Mr. Sujoy Chatterjee, Advocate for Mr.
Gaurang Kanth, Advocate

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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09.05.2016

Petitioner is aggrieved by the order dated 28.03.2014 passed in favour of the Decree Holder wherein the decree was not permitted to be executed qua relief of possession; however qua the relief of damages the Trial Court had permitted the Decree Holder to set up his claim. Decree Holder is aggrieved by this finding.

Submission is that the Trial Court could not have gone behind the Decree. The Trial Judge in his impugned order has noted that the suit property is unidentified.

The respondent / Judgement Debtor is MCD.

Learned counsel for the petitioner / Decree Holder submits that he may be granted permission to move an appropriate application seeking demarcation of the suit property through the competent authority / SDM and Trial Court then pass an appropriate order for the purpose of necessary identification of the property; this submission is made

repeatedly; submission being that the Trial Court could not have gone behind the Decree. The Decree Holder is granted permission to file the aforementioned application before the executing Court who shall pass an appropriate order after hearing both the parties within an outer limit of two weeks from today.

No further orders are called for.

Petition disposed of.

Order dasti under signatures of Court Master.

INDERMEET KAUR, J

MAY 09, 2016

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