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

+ RFA 430/2016 and CM APPL. 23868/2016, 23871/2016

NISHA JINDAL & ANR

..... Appellants

Through: Mr. Pawan Sharma, Advocate with
Mr. Abhishek Sharma, Advocate

versus

RAM PRAG KOIREE & ANR

..... Respondents

Through: Mr. Amarjit Singh, Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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03.03.2017

1. The present appeal is listed for arguments to be addressed on its maintainability.
2. The appellants, who are not parties in the suit proceedings, state that they are aggrieved by the judgment dated 28.04.2015, passed by the trial court in a suit for possession, recovery of damages and mesne profits instituted by the respondent No.1/plaintiff against the respondent No.2/defendant, which was decreed in favour of the respondent No.1/plaintiff alongwith a decree of damages and mesne profits. The appellants state that they are the lawful owners of the suit premises, claiming to have purchased the same in the year 1999 from the respondent No.2/defendant for a valuable consideration.
3. It has been enquired from the counsel for the appellants that if aggrieved by the impugned judgment, did the appellants participate in the

execution proceedings filed by the respondent No.1/plaintiff for seeking execution of the impugned judgment and decree. He concedes that in the Execution Petition No.43/2015 filed by the respondent No.1/plaintiff, both the appellants had filed their separate objections, which were dismissed vide two separate orders, one dated 21.12.2015 and the other dated 15.01.2016 (Annexure A-11 and A-12 respectively).

4. That being the position, the appellants had a legal remedy of filing appeals against the said orders, which they have apparently failed to exhaust.

5. This Court is of the opinion that the present appeal is not maintainable and the same is dismissed alongwith the pending applications, with liberty granted to the appellants to seek legal recourse against the orders dated 21.12.2015 and 15.01.2016 passed in the execution proceedings, in accordance with law.

HIMA KOHLI, J

MARCH 03, 2017

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