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

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Judgment delivered on: 13.09.2019

+ C.R.P. 203/2019 & CrI. M.A. 40936-38/2019

ANANT VERINDER SINGH (DECEASED) THR LR Petitioner
versus

COL.INDERJEET SINGH (DECEASED) THR LR Respondent

Advocates who appeared in this case:

For the Petitioner: Petitioner in person.

For the Respondent: None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner is aggrieved by order dated 05.04.2019 whereby the objections filed by the petitioner objecting to the execution of the decree were dismissed.
2. Petitioner who appears in person challenges the execution on the ground that the Court which passed the decree did not have pecuniary jurisdiction to entertain the Suit. He submits that the Suit was valued at Rs. 55 lakhs and decree was passed by a learned Single Judge of the High Court of Delhi after the amendment of the pecuniary jurisdiction of the High Court which raised the same to Rs. 2 crores.
3. He submits that as per the valuation, the Suit should have been

transferred to the Court of the District Judge for adjudication.

4. In my view, the submissions of the petitioner cannot be accepted, in as much as, the High Court would have the power to entertain and dispose of a Suit which as per its valuation should have been tried by a District Judge.

5. Further it may be seen that the decree passed by the learned Single Judge was challenged by the petitioner before a Division Bench and by a judgment of the Division Bench dated 24.02.2014 in RFA (OS) No. 87/2012, the judgment of the learned Single Judge was upheld. The matter was further carried to the Supreme Court by the petitioner in SLP (C) No. 17016/2018 and by order dated 17.08.2018 the SLP was dismissed.

6. Since the challenge of the petitioner to the decree was unsuccessful before the Division Bench and before the Supreme Court, it is not permissible for the petitioner to now object to the execution of the Decree on the said ground.

7. I find no merit in the petition.

8. Petitioner who appears in person submits that the real issue is that the sister of the petitioner i.e. Mrs. Namrata Diwan by a registered Relinquishment Deed dated 07.11.2005 has relinquished all her right, title and interest in respect of property bearing No. D-57, Defence Colony, New Delhi in favour of the petitioner and accordingly the petitioner has become owner of one half of the said property.

9. It is contended that subject Execution Petition has been filed seeking

auction and distribution of the sale proceeds between the decree holder, on the one side and petitioner and his sister Mrs. Namrata Diwan on the other. He submits that since she had relinquished her entire shares in the property in favour of the petitioner, he alone is entitled to 50% of the sale proceeds.

10. Petitioner further submits that his sister – Mrs. Namrata Diwan shall be appearing before the Executing Court to confirm the Relinquishment Deed and also to given an undertaking that the entire 50% share be given to the petitioner and she has no right, title or interest of any nature in the property or any claim to the sale proceeds thereof.

11. The petition is dismissed. However, it would be open to the Executing Court to consider the statement of Mrs. Namrata Diwan, if any, in accordance with law, without being influenced by anything stated herein.

SEPTEMBER 13, 2019
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SANJEEV SACHDEVA, J