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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 8/2020 & CM APPL. 2053/2020**
AFTAB MALIK & ORS

..... Petitioners

Through: Mr.Aditya Gaur, Adv.

versus

SHYAM LAL (SINCE DECEASED) THR LRS & ANR

..... Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **20.01.2020**

This petition has been filed by the petitioner seeking transfer of Execution Petition No.35/11 (New No.123986/2016) titled ***Karamvir Tyagi vs Shyam Lal*** from the Court of the learned Additional District Judge, Tis Hazari Courts, Delhi to the Court of the learned Additional District Judge, South East, Saket Courts, New Delhi to be consolidated alongwith the Civil Suit No. 206886/2016 filed by the petitioner herein.

The learned counsel for the petitioner, placing reliance on the judgment dated 05.09.2019 passed in CM(M) 702/2013 titled ***Aftab Malik & Ors. vs. Shri Shyam Lal & Anr.***, submits that this Court has directed the executing Court to also consider the factum of filing the above referred Suit by the petitioner while deciding on the objections filed by the petitioner. He submits that as this may lead to conflict of decision, the Execution Petition be transferred to be tried alongwith the Suit filed by the petitioner.

I find no merit in the above submission. Admittedly, the Execution

Petition has been pending since the year 2007. This Court by its order dated 05.09.2019, after taking into account various submissions made by the petitioner had directed as under:-

“11. Accordingly, the impugned order is set aside. As a first step, the executing Court is directed to hear and dispose of the objections filed by Mr. Aftab Malik. Upon the decision being rendered in the objections filed by the Petitioner herein, further orders in the execution petition shall be passed. The Petitioner herein is also stated to have filed a suit challenging the compromise decree which is under execution. The said submission shall also be considered by the executing Court. List before the Executing Court on the date already fixed.”

In my view, the present petition has been filed merely to defeat the effect of the above order. The petition is therefore dismissed.

NAVIN CHAWLA, J

JANUARY 20, 2020/rv