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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 309/2020 & CM APPL. 10315/2022 & CM APPL.
52651/2023
MOHIT KAWATRAPetitioner

Through: Mr. A.S. Juneja, Advocate

versus

PRAKASH KAUR GUMBER & ANRRespondent
Through: Mr. Manmohan Singh Narula and Mr.
Sarabjeet Singh, Advocates (Through
VC)

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
06.08.2024

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1. Respondents had filed suit against one Mohan Jain and though said defendant earlier submitted written statement but eventually, he was proceeded against *ex parte*.
2. Respondent herein i.e. Smt. Prakash Kaur Gumber got a decree of possession with respect to the suit property situated in Village Seelam Pur Shahdara, Delhi-31 besides decree of recovery of arrears of rent/mesne profits.
3. When the execution was filed, objection was filed by the Mr. Mohit Kawatra i.e. petitioner herein. Objection petition was filed under Section 47 CPC and when such objection petition was entertained by the learned Trial Court, it was dismissed holding that it was not maintainable under Section 47 CPC as the petitioner was not a party to the suit in question.

CM(M) 309/2020

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4. During course of consideration, learned counsel for petitioner has, very fairly, stated that due to some mistaken advice, objection petition has been filed under wrong provision. He, therefore, submits that viewed thus, there is no illegality in the impugned order and, therefore, he does not press the present petition. He, however, states that he be given liberty to file proper objection petition under appropriate provision of law for redressal of his grouse and grievances.
5. Needless to say, he is always at liberty to move any such objection petition before the learned Executing Court and for that, he does not even have to seek the liberty of this Court.
6. In view of the above, present petition is dismissed as not pressed.
7. Interim order, if any, stands vacated accordingly.

MANOJ JAIN, J

AUGUST 6, 2024/dr