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

+ C.R.P. 93/2022 & CM APPL. 30838/2022

SHRI MOHD FEROUZ & ANR.

.....Petitioners

Through: Mr. M. Rayam-ud-din & Mr. Absar
Ahmad, Advocates.

Versus

SHRI AZHAR AHMED

.....Respondent

Through: Ms. Sonal Anand, Mr. Aayush Sai &
Ms. Surbhi Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

27.11.2024

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1. The present Revision Petition under Section 115 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred to as "CPC, 1908"*) has been filed on behalf of the Petitioners/Judgments Debtors challenging the Order dated 28.04.2022 passed by the learned Civil Judge, whereby Objections filed under Section 47 read with Section 151 of CPC, 1908 have been dismissed.
2. While considering the Objections under Section 47 read with Section 151 of CPC, 1908 of the Petitioners/Judgment Debtors, the Court has given a finding that it has no pecuniary jurisdiction, despite which the Objections have been decided on merits and thereafter, the Execution Petition has been transferred to the Court of learned Additional District Judge.
3. Learned counsel for the Petitioners/Judgment Debtors submits that once the Court itself found that it has no pecuniary jurisdiction, the Objections should not have been decided on merits, but the same should



have been forwarded to the Court of Competent Jurisdiction/Court of learned Additional District Judge to be considered in accordance with law.

4. Learned counsel for the Respondent/Decree Holder submits that in fact, the learned Civil Judge has the jurisdiction to entertain the Execution Petition and it has been erroneously held that it has no pecuniary jurisdiction. However, he fairly concedes that since the Objections of the Petitioners/Judgment Debtors on merit had been dismissed, he did not challenge the Order of transfer of the Execution Petition from the Court of learned Civil Judge to the Court of learned Additional District Judge.

5. **Submissions heard.**

6. Since the Respondent/Decree Holder did not challenge the Order of the learned Civil Judge in regard to it not having the pecuniary jurisdiction, the same cannot now be re-agitated.

7. Considering that the learned Civil Judge itself observed that it has no pecuniary jurisdiction, it should not have proceeded further to decide the Objections of the Petitioners/Judgment Debtors on merits, but the same should have been left to be decided by the Court of learned Additional District Judge/competent jurisdiction.

8. In view of the factual situation as it exists in the present case, the impugned Order dated 28.04.2022 deciding the Objections of the Petitioners/Judgment Debtors on merit is hereby set aside, which may now be considered afresh by the Executing Court of competent jurisdiction.

9. Considering that the Compromise Decree pertains to 2013, an endeavour be made by the learned Executing Court to dispose of the Objections of the Petitioners/Judgment Debtors within six weeks.



10. Accordingly, the present Revision Petition along with pending application is dismissed.

NEENA BANSAL KRISHNA, J

NOVEMBER 27, 2024

S.Sharma