



\$~59, 60, 61, 62, 64, 2 & 3

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

+ CM(M) 2692/2024

MONIKA AILAWADI & ORS.

..... Petitioners

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Advs.

versus

VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.

60

+ CM(M) 2693/2024

SUSHIL BATRA & ANR.

..... Petitioners

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Advs.

versus

VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.

61

+ CM(M) 2694/2024

RAM KISHORI

..... Petitioner

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Advs.

versus

VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.

62

+ CM(M) 2695/2024

RAMEET KAUR & ANR.

..... Petitioners

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Advs.

versus

SHRI VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.



64

+

CM(M) 2697/2024

MANDEEP KAUR & ORS.

..... Petitioners

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Adv.

versus

SHRI VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.

2

+

CM(M) 2454/2024

GURDIAL SINGH & ANR.

..... Petitioners

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Adv.

versus

SHRI VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.

3

+

CM(M) 2457/2024

MONIKA AILAWADI & ANR.

..... Petitioners

Through: Mr. Pawan Upadhyay, Ms. Supriya R.
Pandey and Mr. Varun Sharma, Adv.

versus

VIRINDER NATH

..... Respondent

Through: Ms. Geeta Mehrotra, Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

%

29.05.2024

CM APPL. 32792/2024—Exp. in CM(M) 2692/2024

CM APPL. 32795/2024—Exp. in CM(M) 2693/2024

CM APPL. 32798/2024—Exp. in CM(M) 2694/2024



CM APPL. 32806/2024—Exp. in CM(M) 2695/2024
CM APPL. 32811/2024—Exp. in CM(M) 2697/2024
CM APPL. 25262/2024—Exp. in CM(M) 2454/2024
CM APPL. 25299/2024—Exp. in CM(M) 2457/2024

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CM(M) 2692/2024, CM APPL. 32790/2024, CM APPL. 32791/2024
CM(M) 2693/2024, CM APPL. 32793/2024, CM APPL. 32794/2024
CM(M) 2694/2024, CM APPL. 32796/2024, CM APPL. 32797/2024
CM(M) 2695/2024, CM APPL. 32804/2024, CM APPL. 32805/2024
CM(M) 2697/2024, CM APPL. 32809/2024, CM APPL. 32810/2024
CM(M) 2454/2024, CM APPL. 25260/2024, CM APPL. 25261/2024
CM(M) 2457/2024, CM APPL. 25297/2024, CM APPL. 25298/2024

3. The supervisory jurisdiction of this Court has been invoked under Article 227 of the Constitution of India to impugn the order dated 09.02.2024 passed by learned Civil Judge, Tis Hazari Courts, Delhi in Ex. 96463/16 titled as “*Ram Chander vs. Babu Ram*”.
4. Learned counsel for the petitioner submits that learned Trial Court has passed the impugned order, which is as under:-

“... ..
... ..

I have perused the orders dated 08.10.2021 and 27.05.2022. It is correct that no specific order of dismissal of the objections filed on behalf of the JD is there, however, in view of the fact that in both the orders warrants were issued against the JD, it is clear that the Ld. Predecessor of this Court had intended to dismissed the objections filed on behalf of the JD. This opinion of the Court gains significance also in view of the fact that none of these orders were appealed against by the JD.

Thus, the first two sets of the objections as for as this court is concerned, were dismissed.

As regards the third set of objections filed on 30.05.2022, this Court is of the opinion that liberty of this kind where the JD is filing similar objections again and again cannot be granted until and unless the previous order is recalled. The objections filed on 30.05.2022 were



filed without recalling the previous orders dated 08.10.2021 or even 27.05.2022. Thus the third set of objections filed on behalf of the JDs are also taken off the record.

As regards the submissions of the DH regarding the issuance of warrants of

possession, this Court is of opinion that on perusal of file it has been found that the JDs are also claiming themselves to be DHs in this case and in view of order 21 Rule 16 CPC read with Section 146 CPC, no decree can be executed against the DHs themselves. Thus, this Court is of opinion that the question regarding that whether the JDs have become the DHs on the basis of the alleged sale deed executed in favour of the JDs as being owner of the suit property. Application is disposed off accordingly.

*... ..
... ..”*

5. Learned counsel for the petitioner submits that the impugned order is fundamentally incorrect and perverse as the learned Trial Court has disposed of the objections moved on behalf of the petitioner without granting an opportunity of being heard on the objections. Earlier also, the objections were preferred by the petitioner, the said objections have also not been decided and the learned Trial Court has observed that since the warrants of possession have been issued by the learned predecessor of the Court, which means that it is deemed that objections have been disposed of. Learned counsel further submits that however, the learned Trial Court has framed the issue on maintainability and the counsel is prepared to address arguments on the said maintainability issue before learned Trial Court.

6. Issue notice.

7. Learned counsel for the respondent appears on advance notice and accepts notice and submits that the petitioner has not filed the copy of the application vide which fresh 3rd set of objection has been raised and has been deliberately kept away from this Court as these are similar objections, which have been earlier decided by the learned Trial Court. However,



learned counsel further submits that respondent also has no objection for addressing arguments before the learned Trial Court with respect to issue of maintainability, which has been framed. It is submitted that earlier the matter was listed for 17.05.2024 and now, it has been posted for 09.08.2024 for hearing arguments on the same.

8. Learned counsel for the petitioner also submits that while addressing the arguments on the issue regarding maintainability as framed by the learned Trial Court, he would be also referring to certain documents, which are already on record. Learned counsel for the respondent submits that she will not object to reference to any such documents, which are already on record.

9. As both the counsels are willing to address the arguments on maintainability issue before learned Trial Court, therefore, no further directions are required in the present petition.

10. Learned Trial Court to hear the arguments on the point of maintainability on date already fixed before it.

11. With above observations, petition stands disposed of.

SHALINDER KAUR, J

MAY 29, 2024/ss