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

% *Date of decision: 08th July, 2024*

+ CM(M) 2777/2024

MOHD. SAMAR

.....Petitioner

Through: Mr. S.D. Ansari, Advocate
(through video conferencing)

versus

WASEEM AHMED & ANR.

.....Respondent

Through: Mr Himal Akhtar with Mr. Juned
Salman, Advocates with respondent
No.1 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL.37300/2024 (early hearing)

1. Present application has been moved by respondent seeking early hearing/pre-poning of the date of hearing.
2. Sh. S.D. Ansari, learned counsel for the petitioner has joined the proceedings through video conferencing. He has no objection if the date is preponed and the matter is heard today itself.
3. The application is allowed.
4. With the consent of the parties, the entire petition is taken up today.

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5. I have seen the impugned order dated 18.05.2024 passed in



Execution Petition (Comm.) No.211/2023. Petitioner herein, i.e. Mohd. Samar had filed certain objections and a request was made by the learned counsel for the Objector to the learned Trial Court to place on record one Registration Certificate of one society, with the request to permit him to examine witness from the concerned Registrar of Societies, Delhi.

6. Learned Trial Court declined such request.
7. This is how the objector is before this Court.
8. During the course of consideration, Sh. Himat Akhtar, learned counsel for the respondent (Decree Holder before the learned Trial Court) stated that he would have no objection if without prejudice to his rights and contentions, such request is granted. He states that he is compelled to make such statement as he does not want to prolong his execution petition any further.
9. Keeping in mind the overall facts and circumstances of the case and also keeping in mind the concession given by learned counsel for the respondent, the impugned order is set aside and one effective opportunity in this regard is granted to the Objector to place on record copy of Registration Certificate of Society known as 'Jafrabad Merchand Association' as well as to examine the concerned witness from the said Registrar of Societies to prove the same.
10. Petition stands disposed of accordingly.

(MANOJ JAIN)
JUDGE

JULY 08, 2024/st