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

+ **C.R.P. 184/2024 & CM APPL. 35133/2024**

PREM CHAND

.....Petitioner

Through: **Mr. Roop Narain, Advocate.**

versus

DHARMENDER & ANR.

.....Respondents

Through: **Mr. Dinesh Kumar Aggarwal,**
Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.11.2024

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1. Revision Petition under Section 115 read with Section 151 of *Code of Civil Procedure, 1908* ('CPC' *hereinafter*) has been filed on behalf of the Revisionist Prem Chand to challenge the Order dated 10.05.2024 *vide* which the Objections filed by him, have been dismissed by the Executing Court.
2. The Petitioner has submitted that the Execution proceedings are pending in respect of immovable property bearing House No.F-1/385, J.J.Colony, Sultanpuri, Delhi. The warrants of possession have been issued to be executed through the Bailiff, however, the Bailiff who visited the suit property for execution of warrants of possession on 11.03.2019 started evicting the petitioner by putting his belongings out of the house even though he is in possession of the suit property since 2012.
3. The Petitioner consequently filed his Objections in the



Executing Court on 15.03.2019. It is submitted that he was neither the party to the suit nor did he receive any summon of the Execution Petition despite the fact that he was a necessary party to the Suit. He was not aware of the documents in favour of the Decree Holder as he had neither seen him in the property in question at any time before or after entering into the possession in the Suit property, in 2012. He had bought this property from one Mr. Umesh Kumar, son of Sh. Kishan Chand on 10.11.2012 who in turn had bought the property from Smt. Savitri Devi, on 17.10.2012. It is asserted that since the Revisionist is in possession of the property since prior to institution of the Suit, his rights are affected by the Decree despite which he has not been made a party to the suit. It is thus, stated that the impugned Order of the Executing Court is not tenable and has been made without considering that the Revisionist Prem Chand has valid title documents in his favour.

4. Submissions Heard.

5. Admittedly there is a decree in favour of the Decree Holder for possession dated 01.09.2016 against Smt. Savitri Devi in respect of the Suit premises. The warrants of possession have been directed to be executed in respect of the Suit property.

6. As per the averments of the Petitioner herein, he has acquired the ownership rights by virtue of Agreement to Sell, GPA, Will etc. from one Mr. Umesh Chand who in turn had acquired a similar title on the basis of similar documents from Smt. Savitri Devi.

7. Pertinently, it is an admitted case that the Petitioner has derived his title from the Judgment Debtor Smt. Savitri Devi, which were



prior to that of the Petitioner. He is bound by the Decree made against the Judgment Debtor. Whatever may be his rights, cannot be agitated by way of Execution as he needs to independently assert his claims against the Judgment Debtor by way of independent proceedings. Moreover, mere Agreement to Sell, etc. do not create any right, title in the Suit property. The Objector may have been in possession, but the decree was against the Judgment Debtor from whom he is deriving the title and is bound by the Decree.

8. There is no merit in the present Revision Petition which is hereby dismissed.

NEENA BANSAL KRISHNA, J

NOVEMBER 11, 2024

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