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

% ***Date of decision: 25th September, 2024***

+ CM(M) 3476/2024 & CM APPL. 56569/2024 & CM APPL.
56568/2024

MANMEET SINGH LAMBA AND ANR

.....Petitioner

Through: Mr. Praveen Suri, Advocate.
versus

DHRUV KAPOOR AND ORS

.....Respondent

Through: Ms. Jahanvi Worah, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner has purchased the immovable property in question from the judgment-debtor vide registered sale deed executed on 28th March, 2023. The petitioner claims himself to be a *bonafide* purchaser of the said immovable property.
2. Respondent No.1 Dhruv Kapoor is stated to be decree-holder and has filed Execution Petition in the context of money decree of Rs. 65 lacs. During the course of such execution proceedings, he submitted details of various movable and immovable assets, including one immovable property situated at Tilak Nagar, and vide order dated 3rd October, 2023, the learned Executing Court issued *warrant of attachment*.
3. Admittedly, the *warrant of attachment* has yet not been executed as the possession of the abovesaid property still continues to be with the petitioner.
4. The petitioner has already filed an objection petition under Section 58



CPC and under Order XXI Rule 54 CPC.

5. Learned counsel for the decree-holder appears on advance notice and informs that arguments on such objection petition have already been heard in part and the matter is now fixed for further final arguments on 12th November, 2024.

6. It is not clear as to on what premise, the petitioner has now challenged the abovesaid order when he himself has already filed a substantive objection petition and when admittedly the possession is still with him.

7. In view of the above, at the present juncture, this Court sees no reason to interfere with the same so as to ensure that there is no prejudice to the learned Trial Court, which is seized with the aforesaid objection petition.

8. After hearing arguments for some time Mr. Suri, learned counsel for the petitioner states that, without prejudice his rights and contentions, he does not press the present petition. He however, states that the learned Executing Court may be requested to decide the aforesaid Execution Petition as expeditiously as possible.

9. The petition is disposed of as not pressed.

10. All rights and contentions of the parties are reserved.

11. The learned Executing Court would make best endeavour to dispose of the abovesaid Execution Petition as expeditiously as possible.

12. Needless to say both the sides would render due assistance and cooperation to the learned Court in this regard.

(MANOJ JAIN)
JUDGE

SEPTEMBER 25, 2024/ss