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

+ **EX.F.A. 34/2024**

MANISH KHURANA

.....Appellant

Through: **Mr. Gaurav Sahrawat and Ms. Somya Sharma, Advs.**

versus

BABITA BAHL & ANR.

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **24.10.2024**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **24.10.2024**

CM APPL 62739/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

EX.F.A. 34/2024 and CM APPL 62740/2024 (Stay)

3. Learned counsel appearing for the appellant submits that the appellant is the *bona fide* purchaser of the property in question and if the material available on record is appreciated in the right perspective, it would be seen that respondent Nos.1 and 2 are in collusion. Therefore, he submits that the order passed by the Executing Court while rejecting the appellant's objection suffers from material illegality and perversity.
4. I have considered the submissions and have also perused the record.
5. Paragraph No.5 of the order dated 06.09.2024 passed by the Trial



Court reads as under:

*“ (5) Though, it is quite possible that objector is also a victim of fraud played by JD and some other persons, but the fact of the matter is, objector is having only notarized agreement to sell, GPA etc. in his favour. The said documents certainly do not convey title in favour of objector as per celebrated judgment **Hon’ble Supreme Court of India** in matter of “**Suraj Lamp & Industries Pvt Ltd. Vs. State of Haryana & Anr**” passed on 11.10.2011. The objector can at best file suit for execution of documents on basis of same. As per submissions and queries made during arguments, the objector has not filed any suit for execution of proper documents of transfer of said property against any person, therefore, in, totality of circumstances, the objections of the objector are liable to be dismissed. Hence, same stands dismissed.”*

6. It is thus seen that the lower court has categorically held that while the Objector may have potentially been subjected to fraud, the documents submitted before the Trial Court comprising merely a notarized agreement to sell, a General Power of Attorney (GPA), and related documents, are insufficient to convey title in favor of the Objector as per the law laid down by the Supreme Court in its decision of **Suraj Lamp & Industries (P) Ltd. (2) v. State of Haryana**¹. In this case, it was held that such documents, in the absence of a registered deed of conveyance, do not constitute a valid transfer of title.

7. In light of the aforesaid, this Court does not find any illegality or perversity in the impugned order dated 06.09.2024.

8. Accordingly, the appeal stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 24, 2024/p

¹ (2012) 1 SCC 656