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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.F.A. 35/2024**
MOHD NASIRAppellant

Through: Mr. S.H. Ansari, Adv.

versus

DEVENDER BHATIA & ANR.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
% **28.10.2024**

CM APPL 63511/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

EX.F.A. 35/2024 and CM APPL 63510/2024 (Stay)

1. The instant appeal has arisen out of order dated 07.03.2024, passed in Ex. Civil 953/2019, whereby the objection filed by the appellant under Order XXI Rule 58 read with Section 151 CPC came to be rejected.
2. Learned counsel appearing on behalf of the appellant submits that the appellant is the owner of the property and the impugned judgment and decree has been passed in connivance with the other parties. He, therefore, submits that under the guise of the impugned judgment and decree, the Executing Court is likely to take over the possession of the petitioner and would hand over to the same to the decree holder.



3. I have considered the submissions made by learned counsel appearing on behalf the appellant and have also perused the record.

4. The appellate court has rejected the objection filed by the petitioner, mainly on the ground that the appellant was unable to place on record any document with respect to the ownership of the property in question. It has been noted that earlier also, *vide* order dated 16.12.2022, the appellant/objector was directed to supply the copy of his ownership documents, which the appellant failed to do so.

5. The reasons recorded by the learned Court for rejecting the objection petition finds place in paragraph nos. 5 and 6 of the impugned order dated 07.03.2024, which reads as under:-

“5. Record also reveals that, objector filed the objection petition on 22.01.2021 by claiming ownership qua the suit property without filing any ownership documents. In fact, vide order dated 16.12.2022, Ld. Predecessor of this court directed the objector to supply the copy of his ownership documents, which have not been filed by him.

6. This Court carefully gone through the averments made in the objection petition and finds no merit in it. Except making bald statement, no material placed on record by objector qua ownership/possession thereof. Hence, both objection petitions stands dismissed with cost of Rs. 2500/- to be deposited with DLSA/SW/Dwarka.”

6. In view of the aforesaid, the Court does not find any reason to interfere in the impugned decision dated 07.03.2024.

7. Accordingly, the appeal fails and stands dismissed, alongwith pending application.

PURUSHAINdra KUMAR KAURAV, J

OCTOBER 28, 2024

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