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

+ **CM(M) 4111/2024**

MOHD YUSUFPetitioner

Through: **Mr. Rakesh Mishra, Adv.**

versus

KANWAR SINGH SAINI (SINCE DECEASED)

THROUGH LRS

.....Respondent

Through: **Appearance not given.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **18.12.2024**

CM APPL. 74154/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 4111/2024

1. The petitioner filed a suit for possession and mesne profit bearing no. CS(OS) 1604/2011.
2. Respondent also filed a suit bearing no. CS DJ 8380/2019, to declare the sale deed null and void.
3. Both the suits were consolidated. On 28.08.2023, the learned Trial Court ruled in favour of the petitioner granting decree of possession and mesne profit while the suit of the respondent was dismissed.
4. Petitioner filed the Execution Petition bearing no. 200/2023 on 27.10.2023 for execution of decree passed in his favour.
5. The learned counsel for petitioner submits that respondent filed objection on 05.08.2024, almost raising the same issues which were already considered during the trial.



6. It is further submitted that the objections were taken up by the court for hearing on 11.11.2024 and on 11.11.2024, the matter has simply been adjourned for 24.02.2025 for arguments.

7. In the case of “***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Ors (2021) 6 SCC 418***”, the Apex Court issued directions that Executing Court must dispose the execution proceedings within 06 months from the date of the filing, which may be extended only by according reasons in writing for such delay.

8. The learned counsel for petitioner submits that the execution proceedings are pending since 27.10.2023, but the decree has not been executed.

9. Keeping in view the facts and circumstances, as also the directions laid down in the case *Rahul S. Shah (Supra)*, the Executing Court is directed to dispose of the execution application at the earliest, while bearing in mind the directions issued by Hon’ble Supreme Court in the case of *Rahul S. Shah (Supra)*.

10. The counsels of both the parties are also requested to render the due assistance and cooperation to the Trial Court in the early disposal of the case.

11. Both the parties are directed to appear before the Executing Court on 16.01.2025.

12. The petition is accordingly disposed of in terms of above.

RAVINDER DUDEJA, J

DECEMBER 18, 2024/sky