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

+ **C.R.P. 74/2025 & CM APPL. 14779/2025**

DHANPAT SINGH

.....Petitioner

Through: Mr. G.D. Sharma, Adv.
through V.C.

versus

DEVENDER SINGH

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **11.03.2025**

CM APPL. 14780/2025 (*seeking exemption from filing the fair typed copies of dim and with improper spacing or font size of the annexures*) & **CM APPL. 14781/2025** (*seeking exemption from filing the copies of the annexures*)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

C.R.P. 74/2025 & CM APPL. 14779/2025

3. The present petition is filed, inter alia, praying as under:

“To Call for the Records, pertaining to the Execution Petition bearing no.42/23 with case title as, “Devender Singh Vs. Danpat Singh”, from the Executing Court of Sh. Devender Kumar Jangla, Ld. DJ-01, South-West District, Dwarka Courts, New Delhi, has wrongly issued the warrants of attachment for attaching the moveable properties from the house / residence which is in the name and under the possession of Smt. Sushila Devi and not in the name and possessions of the Judgment Debtor / Petitioner.

To set aside or directing the Executing Court to cure defects and illegality of the impugned order Dated: 21.01.2025 whereby the Executing Court of Sh. Devender Kumar Jangla, Ld. DJ-01, South West District, Dwarka Court, New Delhi, has wrongly issued the warrants of attachment in the case for attaching the moveable properties from the house / residence which is in the name and under the possession of Smt. Sushila Devi and not in the name and possession of the Judgment Debtor / Petitioner.



Any other or further relief which this Hon'ble Court deems fit and proper may also be granted in favour of the Petitioner and against the Respondents."

4. The petitioner challenges the order dated 21.01.2025 stating that warrant of attachment of the movable properties has been issued for the property which do not belong to him.
5. It is the contention of the petitioner that the properties belonged to his wife and could not have been attached for the execution of the decree.
6. It is undisputed that only the interest of the Judgment Debtor in a property can be attached for the satisfaction of the decree. If any person is aggrieved that the property has been wrongly attached, he or she has a liberty to file an appropriate application pointing out the facts to the Executing Court.
7. The present petition, filed at the instance of the petitioner, who as per his own case, is not the owner of the properties attached, is not maintainable.
8. The petition is, therefore, dismissed.
9. Pending application also stands disposed of.

AMIT MAHAJAN, J

MARCH 11, 2025

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