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

+ RFA 157/2012

SHYAM KUMAR JHA

.....Appellant

Through: None  
versus

SHIV MANDIR SANSTHA REGD SOCIETY

.....Respondent

Through: Mr. Rakesh Saini, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**14.05.2025**

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1. None appears for the appellant when the matter is called out.
2. Learned counsel appearing for the respondent submits that the present appeal has become infructuous, since the impugned judgment and decree dated 08<sup>th</sup> February, 2012, passed by the Additional District Judge-03, South District, Saket Courts, already stands satisfied.
3. Learned counsel appearing for the respondent submits that by way of the judgment and decree dated 08<sup>th</sup> February, 2012, the suit for possession filed by the respondent herein with respect to the said property comprising of two rooms and a kitchen, portion of *Khasra No. 18, Village Khirki, New Delhi*, was allowed in favour of the respondent herein.
4. Learned counsel appearing for the respondent has handed over copy of various orders passed in *Ex. No. 14/12*, which are taken on record.
5. He draws the attention of this Court to the order dated 26<sup>th</sup> May, 2012 passed in *Ex. No. 14/12*, which reads as under:



EX No. 14/12  
26.05.2012

Appearance : Sh. Rakesh Saini, Advocate for Decree Holder along with Shree Kishan Saini, President of Shree Shiv Mandir Sanstha (Regd.) pursuant to notice on Judgment Debtor's application dated 25.05.2012 u/s XXI Rule 1 CPC.

Sh. Vivek Sarin, Advocate for Judgment Debtor.

Today Ld. Counsel for Judgment Debtor, under the instructions from JD, brought Banker's Cheque of Rs. 82,827/- (as per calculations carried on the first page of application) in favor of Decree Holder. The same is handed over to Shree Kishan Saini, President of Shree Shiv Mandir Sanstha (Regd.).

Report/calculations of Naib Nazir are also perused. The JD has brought the Banker's cheque of amount up to date. Since, it is a Banker's cheque and entire amount has been paid to the Decree Holder, the execution petition no. 14/12 stands satisfied (since possession has already been received by the Decree Holder during execution of warrant of possession).

Consequently, the warrants of attachment are recalled back unexecuted forthwith, being stands cancelled.

File is consigned to record room.

Recd. the Banker's  
Cheque of Rs. 82,827/-  
Shri Kishan Saini  
I identify the President  
of Decree Holder  
Rakesh Saini, Advocate  
26.5.12

(INDER JEET SINGH)  
Addl. District Judge-03, South District,  
Saket/26.05.2012

14/12/12  
Decree holder  
on 28.05.12  
26/5/12



6. Perusal of the aforesaid order shows that in terms of the judgment and decree dated 08<sup>th</sup> February, 2012, the appellant herein has already paid the decretal amount to the respondent herein. Further, the possession of the



premises in question has also been taken over by the respondent.

7. Noting the aforesaid, the present appeal is dismissed.

**MINI PUSHKARNA, J**

**MAY 14, 2025/kr**

**P.S. :** Later on, learned counsel appearing for appellant mentioned the matter through VC, and she has been apprised of the order.