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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 367/2023**

RATI RAM (THROUGH LRS)

.....Petitioner

Through: Ms. Garima Kumar, Adv.
through V.C.

versus

MOHD. SWALEHEEN (THROUGH LRS)

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
20.02.2025

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1. The present petition has been filed challenging the order dated 15.05.2023 (hereafter '**the impugned order**'), whereby the appeal against the dismissal of objections in Execution Petition No. 72/00/83 was dismissed on the ground of non-maintainability.

2. Briefly stated, a suit for possession in respect of property bearing No. 41/78, titled *Syed Mohd. Swaleheen v. Rati Ram*, was decreed by order dated 22.04.1981, whereby the plaintiff/respondent (Syed Mohd. Swaleheen) was declared entitled to possession of the suit property. Pursuant to the decree, an execution petition was filed by the respondent/Decree Holder, registered as Execution Petition No. 72/00/83.

3. In the said execution proceedings, objections under Section 47 read with Section 151 of the Code of Civil Procedure, 1908 ('CPC') were filed by the petitioner/Judgment Debtor. The petitioner, *inter alia*, contended that the decree holder had acted



in bad faith and had suppressed and withheld material documents that could have affected the execution of the decree. The petitioner asserted that the order of the Execution Court was illegal, arbitrary, lacking detailed reasoning, and contrary to law, thereby making it unsustainable.

4. By order dated 23.12.2011, the learned Civil Judge, Tis Hazari Courts, Delhi, dismissed the objections filed by the petitioner, holding them to be frivolous, meritless, and an attempt to delay the execution proceedings with a cost of ₹5,000/- imposed on the petitioner. Being aggrieved by the said order, the petitioner preferred an appeal before the learned Additional District Judge, Tis Hazari Courts, Delhi, which was also dismissed by the impugned order on the ground of non-maintainability, leading to the filing of the present petition.

5. Admittedly, the decree in Suit No. 41/78 was passed in 1981. The objections raised by the petitioner in relation to the execution of the decree under Section 47 read with Section 151 of the CPC were dismissed by order dated 23.12.2011. Thereafter, the petitioner pursued appeal against the said order, which was also dismissed. Subsequently, the present revision petition was filed in 2023 but was dismissed on 27.05.2024 due to non-appearance and non-prosecution. The petitioner thereafter filed an application seeking restoration. The conduct of the petitioner, who has been engaging in litigation for over four decades, demonstrates a clear pattern of abuse of the legal process aimed at obstructing the execution of the decree.

6. It is pertinent to note that in the meantime, the execution proceedings have been completed, and the decree has already been satisfied.

7. If an objection filed under Section 47 of the CPC is



dismissed, and while a revision petition is pending in the High Court, the decree is executed, the revision petition becomes infructuous. The execution of the decree renders the revision petition moot, meaning it no longer serves any practical purpose or has any legal consequence.

8. Even otherwise, the order dated 23.12.2011 is a well-reasoned and legally sound order. The learned Civil Judge, Tis Hazari Courts, Delhi, extensively examined and addressed each of the objections raised by the petitioner/Judgment Debtor in a detailed manner. Firstly, *inter alia*, the objection regarding jurisdiction was rightly rejected on the ground that in the main suit, specific issue was framed as to whether the suit property was acquired under Section 12 of the Displaced Persons Compensation and Rehabilitation Act. The said issue was decided against the petitioner/defendant and it was specifically held that the suit property could not have been acquired by the Central Government under the Displaced Persons Compensation and Rehabilitation Act. The petitioner's attempt to invoke a jurisdictional issue after decades of litigation and after the decree had attained finality appears to be clearly a dilatory tactic and thus, rightly dismissed by the execution court.

9. Secondly, the objection regarding the improper identification of the suit property was also found to be baseless, as the decree clearly mentioned the property details, boundaries, and specific identification markers. The petitioner's objections failed to produce any material discrepancies that could warrant reconsideration of the decree. Given that the decree had been upheld in the appeal also, the petitioner's attempt to question the property description at this belated stage was found to be merely an effort to stall execution.



10. The learned Execution Court found that the petitioner failed to substantiate any claims of fraud, and the decree was passed after due process of law, providing ample opportunities for both parties to present their case. The allegation of suppression was thus found to be unfounded and speculative, and the execution court dismissed it accordingly.

11. In view of the foregoing, there is no purpose in interfering with the order dated 23.12.2011 at this stage since execution proceedings have been completed, and the decree has already been satisfied. The present petition, therefore, lacks any merit and stands dismissed.

AMIT MAHAJAN, J

FEBRUARY 20, 2025

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