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

+ **EX.F.A. 42/2025 & CM APPLs. 56242-44/2025**

KANWAR SINGH SAINI SINCE DECEASED THROUGH LRS

.....Appellant

Through: Mr. Ajay Verma, Sr. Advocate with
Mr. Nikhil Verma, Mr. Vivek Bhati
and Mr. Armaan Verma,
Advocates.

versus

MOHD. YUSUF

.....Respondent

Through: Mr. Rakesh Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

08.09.2025

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1. By virtue the present appeal under *Order 21 Rule 58* of Code of Civil Procedure, 1908 (**CPC**), appellant seeks to challenge the impugned order dated 04.08.2025, passed learned District Judge-02, South District, Saket, Delhi in execution petition no.200/2023, whereby the objections preferred by the Legal Representatives of the appellant herein, *inter alia* praying for rejection/ dismissal of the execution petition as being non-maintainable, has been dismissed.

2. On the issue of maintainability of the present appeal under *Order 21 Rule 58 CPC*, learned senior counsel for the appellant submits that since the impugned order dismissing the objection amounts to a decree, the same is appealable, though under *Section 96 CPC*. In view thereof,



learned senior counsel submits that he shall withdraw the present appeal and file the same under the said provision of law.

3. Therefore, in view of the submissions made by the learned senior counsel, the present appeal is dismissed as withdrawn with liberty to approach the Court under appropriate provision in accordance with law.

SAURABH BANERJEE, J

SEPTEMBER 8, 2025
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