



2026:DHC:1163



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11th February, 2026

+ CM(M) 349/2026

SH RAKESH KUMAR NANDA DECEASED THROUGH HIS WIFE
MS LOVELY NANDAPetitionerThrough: Mr. Vishwendra Verma, Ms. Shivali,
Mr. Abhedya S. Verma and Mr.
Abhishek Nagar, Advocates.

versus

SH JITENDER SINGHRespondent

Through: Mr. Naman Raj Thakur and Mr. Anuj
Kr. Ranjan, Advocates (through VC).**CORAM:****HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.

CM APPL. 9634/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM(M) 349/2026 & CM APPL. 9635/2026 (for stay)3. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 02nd February, 2026, passed by the learned Trial Court in Ex. P. 45651/2016, whereby the application filed by the petitioner/LRs of deceased Judgment Debtor ('JD') has been dismissed.

4. Learned counsel for the respondent has appeared on advance notice and accepted notice.



5. The matter has been taken up for hearing today with consent of the learned Counsels.
6. Heard. Record perused.
7. Learned counsel for the petitioner submits that the decretal amount has already been paid by the JD to the respondent/decreed-holder ('DH') and in pursuant thereof, a deed of redemption has been duly executed between the parties. It is contended that the present execution petition is a gross abuse of the process of law and is liable to be dismissed, as no amount remains due and payable to the DH.
8. *Per contra*, learned counsel for the respondent submits that the present petition has been moved to delay the execution petition and that the impugned order has been passed by the learned Trial Court after considering the material on record, and therefore, the petition is liable to be dismissed.
9. The relevant portion of the impugned order reads as follows:

"3. As already noted in the series of orders passed by this court that the suit has already been decreed in favour of the DH way back in the year 2011. Further, the JD was allowed to contest the suit vide order dated 08.11.2013 and failing which ultimately vide order dated 22.05.2015 the decree dated 30.04.2011 was reaffirmed.

*4. Through this application, the LR of the JD are pressing this court to go again behind the decree and enquire as to the genuineness of the redemption deed by leading evidence which is impermissible. Ld counsel for LR of the JD has relied on judgment titled as **Rama Avatar Soni vs Mahanta Laxmidhar Das and Others, (2019) 11 SCC 415**. The ratio of this case is not applicable to the facts of the present case as the present case is an execution.*

6. In view of the aforesaid reasons, the application of



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LRs of deceased JD dated 02.02.2026 is hereby dismissed.”

10. The contention of the petitioner that the JD has already paid the decretal amount to the DH can only be decided in the suit by the Trial Court as the JD was allowed to contest the suit. However, the JD has failed to do so, and the decree was passed against him.

11. The Execution Court has rightly observed in the impugned order that this Court cannot go beyond the decree and inquire as to the genuineness of the redemption deed as this ground was available to the JD at the time when he was allowed to contest the suit. Accordingly, this Court is of the view that there is no illegality or infirmity in the impugned order as it has been passed in accordance with law. This petition is dismissed as being devoid of any merits. Pending application(s), if any, also stand disposed of.

12. Copy of this order be given *dasti* under signatures of the Court Master.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 11, 2026/v/ik