



2026:DHC:1402



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2030/2026 and CM APPL. 9941/2026, CM APPL. 9942/2026, CM APPL. 9943/2026**

Date of Decision: 12.02.2026

IN THE MATTER OF:

YANISH KUMAR

.....Petitioner

Through: Petitioner in person.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The instant petition is for quashing of decree dated 14.08.2024, passed by the Rent Controller with respect of Shop bearing No. 9062/57, Rambagh, Azad Market, Delhi (**hereinafter** '*subject premises*').

2. The petitioner submits that he was in continuous possession of the subject premises and the same has been used by his family for their livelihood for decades. The respondents had instituted proceedings before the Rent Controller in respect of the subject premises against one Ramesh Kumar who according to the petitioner is a stranger to the said property. The Rent Controller had allowed the respondents' claim and passed the impugned decree. The petitioner claims that no notice was served on him in

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2026:DHC:1402



the said proceedings and the decree has been obtained by fraud. Execution proceedings have been initiated with respect of the impugned decree. Thereafter, upon his forceful dispossession on 27.06.2025, the petitioner claims to have become aware of the eviction proceedings. Subsequent to it, he filed objection in to the execution proceedings. The petitioner has also filed a civil suit.

3. Having considered the nature of the averments, this Court finds that by virtue of Section 42 of the Delhi Rent Control Act, 1958, a decree passed by the Rent Controller is executable as a decree of a civil court under the Code of Civil Procedure, 1908 (**hereinafter** ‘CPC’). Consequently, the execution proceedings are also governed by Order XXI of the CPC. Rule 99 thereof, further, specifically contemplates a situation where ‘*any person other than the judgment debtor*’ is dispossessed of immovable property by the decree-holder in execution of a decree for possession. Such a person is entitled to approach the Executing Court by filing an application complaining of such dispossession. Sub-rule (2) of Rule 99 further mandates that upon such an application being filed, the Court shall adjudicate the same in accordance with the procedure prescribed. Reference can be made to the decision of the Supreme Court in ***Renjith K.G. v. Sheeba***,¹ wherein it has been held that “*any person*” under Order XXI Rule 99 CPC includes even a stranger to the suit, and such stranger is fully entitled to seek redelivery of possession after dispossession.

4. It is, therefore, evident that the CPC provides an efficacious mechanism for redressal of grievances of third parties who are dispossessed in execution proceedings. The scope of enquiry under Order XXI Rule 101



2026:DHC:1402



of CPC is wide and all questions relating to right, title or interest in the property, including questions of limitation and the validity of execution, are required to be decided by the Executing Court itself, with an express bar on a separate suit. Thus, if the petitioner has already approached the Executing Court by filing objections under Order XXI Rule 99 of CPC, his grievance is not only maintainable but is capable of being fully and effectively adjudicated in execution.

5. In view of the aforesaid, leaving all questions open, the petition stands disposed of. Pending applications shall also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 12, 2026

tr/mj