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

+ C.R.P. 140/2026 & CM APPL. 30122-30124/2026

KAMAL GAUR

.....Petitioner

Through: Mr. Arvind Chaudhary, Mr. Ankit Chaudhary and Mr. Vinay Kumar, Advs.

versus

ARCHANA & ANR.

.....Respondent

Through: Mr. Bhabani Sarkar, Adv. for R-1.  
Mr. Banamali Shukla, Mr. Rakesh Kr. Hooda, Advs. for R-2 along with R-2 in-person.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**  
**26.05.2026**

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1. This Civil Revision Petition has been filed by petitioner assailing order dated 03<sup>rd</sup> February 2026 passed by the District Judge-03, South West District Courts, Dwarka, New Delhi, in *Execution (Civil) No. 194/2023* [***“impugned order”***], whereby the Court dismissed review application filed by petitioner against order dated 9<sup>th</sup> January 2026.
2. *Vide* order dated 9<sup>th</sup> January 2026, the Court dismissed the objections filed by petitioner and issued warrants of attachment against property of petitioner bearing *No. 761, Village Shahbad Mohamadpur, New Delhi*.
3. It is submitted on behalf of *Kamal Gaur* [*petitioner herein*] that the property which is sought to be executed pursuant to Judgment and Decree dated 29<sup>th</sup> April 2014, had been bequeathed to him by his grandmother, *Smt.*



*Bateri Devi*, vide registered Will dated 01<sup>st</sup> July 2013.

4. *Guardianship petition No. 618/2001*, was filed on behalf of *Smt. Bateri Devi*, wife of *late Suraj Bhan*, seeking appointment as guardian of her grandson *Master Kamal*/petitioner. Petitioner attained majority in the year 2015, having been born on 07<sup>th</sup> June 1997. Father of the petitioner passed away on 22<sup>nd</sup> September 2002, and, thereafter, his mother left him and remarried.

5. In the aforesaid circumstances, guardianship of petitioner was asserted by his grandmother [*Smt. Bateri Devi*] and was, accordingly, granted in her favour vide order dated 09<sup>th</sup> December 2006.

6. It is asserted that when *Smt. Bateri Devi* passed away on 03<sup>rd</sup> July 2013, the property devolved upon petitioner by way of bequest. It seems that pursuant to order dated 09<sup>th</sup> January 2026, a Probate Petition has also been filed on 09<sup>th</sup> April 2026, under Section 276 of the Indian Succession Act, 1925, in which notice has been issued by the Probate Court.

7. Counsel for petitioner further contends that even the *Tehsildar*'s report, recorded by the Metropolitan Magistrate [*'MM'*] on 31<sup>st</sup> May 2018 states that House no. 761, Village Shahabad Mohammadpur belongs to one *Kamal Gaur*, who is owner of said property by virtue of registered Will No. 9196 dated 01<sup>st</sup> July 2013, and that the General Power of Attorney [*'GPA'*] qua the property has already been executed by the accused [*respondent herein*] and other persons in the year 2000, prior to filing of *Complaint Case No. 4456* in 2014.

8. In this regard, documents have been appended by petitioner, including the GPA executed by respondent no.2/Judgment Debtor [*Sunil Sharma*] and her brothers in favour of their mother [*Smt. Bateri Devi*]. Said position is



further affirmed by respondent no.2/Judgment Debtor, who is present in the Court along with her counsel, and states that she has no right, title or interest in said property considering that she and her brothers had transferred their rights in favour of their mother in the year 2000.

9. Respondent no.2/*Sunil Sharma* further states that her brothers, namely *Sukhbir Singh*, father of *Kamal Gaur*/petitioner, and *Suresh Kumar* have already passed away and the only surviving sibling apart from her is *Manjeet Singh*.

10. *Kamal Gaur*/petitioner is also present in the Court and is represented through, and identified by his counsel. He states that he is in possession of said property and had acquired the same by way of bequest from his grandmother [*Smt. Bateri Devi*]. He further states that he has already initiated probate proceedings in this regard.

11. Apart from the affidavit already filed by all the siblings, which is placed at *page number 134* of the present petition, stating that they had transferred their respective shares in said property in favour of their mother [*Smt. Bateri Devi*], respondent no. 2/*Sunil Sharma* further undertakes that she shall request *Manjeet Singh* to file an affidavit affirming that he has relinquished his rights, and has no right, title or interest in said property.

12. The said affidavit shall be placed on record within six weeks.

13. A copy of the same shall be provided through counsel for respondent no.2/*Sunil Sharma* to counsel for *Kamal Gaur*/petitioner as well as respondent no.1.

14. In view of aforesaid facts and circumstances, the present revision petition is allowed since the impugned order has taken a view that the property could not have been originally transferred. The said view is in teeth of the



registered Will, the relinquishment of rights by children of *Smt. Bateri Devi* in her favour, as well as the probate proceedings.

15. In view of the statements taken on record, impugned order is set aside.

16. Accordingly, the Executing Court shall take further steps, in accordance with law for execution of Decree in favour of Decree Holder.

17. Counsel for *Kamal Gaur*/petitioner further states that property bearing No. 761, Village Shahabad Mohammadpur, New Delhi has also been considered as No. 756, Saini Mohalla, Beechwala, Village Shahbad Mohammadpur, New Delhi, and the same has been noted in order dated 03<sup>rd</sup> February 2026 passed by the District Judge in aforesaid Execution proceedings.

18. Respondent no.2/Judgment Debtor [*Sunil Sharma*] shall file an affidavit before the Executing Court furnishing details of her present residential address, where notices may be served upon her, along with an updated statement of movables and immovables held by her. The same shall be filed before the Executing Court within six weeks.

19. Accordingly, the present petition is disposed of.

20. Pending applications, if any, are rendered infructuous.

21. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**MAY 26, 2026/MK/ya**