

Shivangi Geete vs Shailendra Kumar Gautam And Ors on 7 April, 2025

\$~95

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 7th

+

EX.F.A. 9/2025 & CM APPL. 19047-19048/2025

SHIVANGI GEETE

Through: Mr. K.B. Upadhyay with
Ram Tripathi and Mr. Ka
Advocates.

versus

SHAIENDRA KUMAR GAUTAM AND ORSRespondents

Through: Mr. Vikas Ahuja, Advocate for
respondent No.1

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The issue involved in the present appeal is a very short one.
2. The appellant herein i.e. Ms. Shivangi Geete filed an objection in the execution proceedings i.e. Ex.142/2024 and since on 04.03.2025, she was not present and the original documents were not produced before the learned Executing Court, it, while observing that there was no justification for her absence and non-production of the original documents, dismissed the objection application.
3. The dismissal is not on merits. For all purposes, it is dismissal on account of non-prosecution.
4. Undoubtedly, as per decision given by the Hon'ble Supreme Court in Rahul S. Shah VS Jinendra Kumar Gandhi & Ors.: 2021 SCC OnLine SC 341 and Periyammal (dead through LRs) & Ors. vs. V. Rajamani & Anr.: 2025 SCC OnLine SC 507, the execution proceedings have to be concluded as expeditiously as possible and within a period of six months, but that would not mean that the Objection Petition has to be disposed of summarily with such a haste.
5. Importantly, the counsel for the Objector was present before the learned Executing Court and despite the above, the Objection Petition has been disposed of merely for the reason that neither she herself had appeared nor the original documents had been produced. Learned Execution Court could have, at least, heard arguments from the learned counsel before taking such extreme decision.
6. During course of the proceedings today, learned counsel for the appellant submits that the appellant herself is present before this Court and has also brought the original documents.
7. It is also undertaken that the appellant would appear along with the original documents before the learned Executing Court on the next date of hearing, which is stated to be 15.04.2025, and once

these documents are perused by the learned Executing Court, it may proceed further with the matter in accordance with law.

8. Learned counsel for Decree Holder/respondent appears on advance notice and submits that the intention of the Objector (appellant herein) is to delay the proceedings on one pretext or the other. He, at the same time, has no objection if one short accommodation is granted to the Objector (appellant herein) for the abovesaid limited purpose. He, however, submits that the learned Executing Court may be requested to expedite disposal of such Objection Petition.

9. In view of the above, the present petition is disposed of while directing restoration of said Objection Petition to its original position.

10. On the next date i.e. 15.04.2025, the Objector (appellant herein) shall appear before the learned Executing Court along with the original documents and it will be up to the learned Executing Court to consider those documents and to proceed further with the matter in accordance with law.

11. It, however, needs to be clarified that this Court has not made any observation with respect to the merits of such Objection Petition and it will be entirely up to the learned Executing Court to take appropriate decision in this regard.

12. Since the abovesaid indulgence has been granted to the Objector (appellant herein), the coercive process, as contained in subsequent order dated 03.04.2025, insofar as it relates to the appellant herein, shall remain in abeyance.

13. The petition, along with the pending applications, stands disposed of in the aforesaid terms.

14. Copy of the order be given dasti under the signatures of Court Master.

(MANOJ JAIN) JUDGE APRIL 7, 2025 st/shs