# Legal Case Summary: Asma Lateef vs Shabbir Ahmad (2024)

Case Title: Asma Lateef vs Shabbir Ahmad

Citation: 2024 INSC 36

Court: Supreme Court of India

Date of Judgment: 12 January 2024

Bench: B.R. Gavai, Dipankar Datta, Aravind Kumar

## Facts of the Case:

- Appellants claimed possession of property orally gifted by their great-grandmother.  
- A civil suit was filed seeking a permanent injunction to protect possession.  
- Defendant Kazmi (grandson of the donor) challenged jurisdiction and the gift.  
- Co-defendant Samiullah did not file a written statement; suit was decreed against him.  
- Later, property was sold by Samiullah and Fariduddin to the respondents.  
- Trial Court decree was sought to be executed; purchasers objected under Section 47 CPC.  
- Execution Court held the decree inexecutable; High Court upheld this ruling.  
- Appeal filed before the Supreme Court against High Court order.

## Procedural History:

- Trial Court decreed suit against Samiullah under Order VIII Rule 10 CPC.  
- High Court ruled the decree was without jurisdiction and null.  
- Execution Court accepted purchaser's objection under Section 47 CPC.  
- Appellants challenged this in Supreme Court.

## Issues before the Court:

1. Whether the decree passed against Samiullah was valid and executable.  
2. Whether purchasers had a right to object to execution under Section 47 CPC.  
3. Whether the decree passed under Order VIII Rule 10 CPC was a nullity.

## Judgment:

- Supreme Court upheld the High Court judgment.  
- Held that the Trial Court acted without jurisdiction in decreeing the suit against one of multiple defendants without resolving jurisdictional objections.  
- Decree was declared null and void and hence inexecutable.  
- Liberty granted to parties to approach appropriate forum for title determination.

## Key Legal Findings:

1. Rule 10 of Order VIII CPC is discretionary, not mandatory.  
2. Courts must record satisfaction and reasoning even for ex parte decrees.  
3. A decree without jurisdiction is a nullity and can be objected to under Section 47 CPC.  
4. A judgment must meet requirements under Section 2(9) and Order XX Rule 4(2) CPC.  
5. Purchasers pendente lite can raise valid objections in execution proceedings.  
6. Absence of legal representatives after Kazmi’s death rendered the decree inconsistent.

## Final Decision:

✅ Appeal dismissed  
✅ High Court order upheld  
✅ Decree declared inexecutable  
✅ Court Receiver discharged  
✅ Liberty granted for fresh adjudication before competent forum