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

% *Date of Decision: 11th July, 2025*

+ CM(M) 1202/2025 & CM APPL. 40601-40602/2025

MASJIDNOOR AHMED WAQF THROUGH MOHD AZAM

.....Petitioner

Through: Mr. Rajinder Mathur with Mr. Tarun Mathur and Mr. Akshat Singhal, Advocates.

versus

MOHD MUBARAK & ANR.

.....Respondent

Through: Mr. Arvind Kumar Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner, armed with a decree, filed an Execution Petition.
2. Such Execution Petition is of the year 2016.
3. The objection in the abovesaid Execution Petition has been filed by respondent No. 1 Mr. Mohd. Mubarak.
4. When the abovesaid Execution Petition was taken up by the learned Executing Court on 10.06.2025, it noticed that there was no appearance from the side of decree holder and judgment debtor, though, Objector was present with his counsel.
5. Noticing the earlier direction given by this Court on 26.05.2025 whereby last and final opportunity had been granted to the Objector to lead his evidence, the learned Executing Court closed the right of the petitioner to cross-examine the Objector.
6. The Objector has already entered into witness box and his examination-in-chief is already over and he is under cross-examination.
7. Learned counsel for petitioner submits that, on 10.06.2025, he was in



personal difficulty which was already duly communicated to the learned counsel for the Objector also who had no objection to adjournment.

8. During course of the arguments, he submitted that the next date before the learned Trial Court is 30.07.2025.

9. Learned counsel for respondents has joined the proceedings on advance notice and has no objection if one opportunity in this regard is granted to the petitioner herein.

10. Undoubtedly, the execution petition is very old and there is nothing wrong in the impugned order as the endeavor of the learned Executing Court was to ensure that such execution petition is disposed of, without any delay.

11. However, at the same time, if the testimony of the Objector goes unrebutted and uncontroverted, it may cause serious prejudice to the case of decree holder.

12. It is apprised that, as far as judgment debtor is concerned, he is not participating in the abovesaid execution petition.

13. Keeping in mind the overall facts and circumstances of the case, the present petition is disposed of with direction that the learned Execution Court would permit decree holder to cross-examine the Objector on the next date. In case, it is not concluded same day, one more date be fixed for conclusion of cross-examination. Decree holder shall not be entitled to any further opportunity on any ground.

14. Pending applications also stand disposed of.

(MANOJ JAIN)
JUDGE

JULY 11, 2025/sw/SS