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

% ***Date of Decision: 28th March, 2025***

+ CM(M) 575/2025, CM APPL. 18134/2025 & CM APPL. 18135/2025

RAJBIR SINGH SETHIPetitioner

Through: Ms. A Maitri with Ms. Radhika and
Mr. Arnav Mudgal, Advocates.

versus

BARUN KUMARRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein has filed a suit seeking specific performance.
2. However, when the suit was pending adjudication, the matter was amicably settled between the parties and the defendant gave a statement that he would execute *Sale Deed* of the suit property on receipt of remaining amount of Rs. 1,58,00,000/-. The plaintiff also, accordingly, made a statement that the suit may be decreed in aforesaid terms.
3. It was in the abovesaid statements of the parties that the suit was disposed of and decree was drawn, accordingly.
4. It seems that pursuant to the above said decree, the plaintiff filed an Execution Petition with the following prayers:-

“a) Issue warrants of attachment attaching the bank account(s) and others movables as mentioned in list attached of judgment debtor/Barun Kumar, till the decretal amount is fully recovered, paid by the judgment debtor

b) (sic) Also to attach property/plot bearing no. 66A, area measuring 133 sq. yards, out of Khasra no. 495, 499 situated in tile area of Village Mawada, Delhi state Delhi Colony known as



*Block C, Rama Park, Uttam Nagar, New Delhi-110059
a/judgment Debtor/Barun Kumar.”*

5. Learned Executing Court, holding that no such relief had been granted to the decree holder, dismissed the Execution Petition as not maintainable.
6. Learned counsel for plaintiff/decreed-holder submits that while filing Execution Petition, the prayers had not been appropriately described and he merely seeks liberty to file Execution Petition afresh by incorporating appropriate prayers, strictly in terms of judgment and decree.
7. In view of the above, the present petition is disposed of with liberty to the petitioner/decreed holder to file Execution Petition afresh with appropriate prayers.
8. The present petition, along with pending applications, stands disposed of.

**(MANOJ JAIN)
JUDGE**

MARCH 28, 2025/sw/SS