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

Date of decision: 13.08.2026

CNR No. DLHC010275272026

+ **EX.F.A. 50/2026 & CM APPL. 40748/2026 (Stay)**

RAJ KISHORE SINGHAppellant

Through: Appearance not given.

versus

DR SHROFF CHARITY EYE HOSPITAL AND ORS

.....Respondents

Through: Mr. J.K. Bhola, Ms. Kimmi Brara, Ms. Muskan and Mr. Jasjeet Singh Marwaha, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Appeal, under Order XXI Rule 58 of **the Code of Civil Procedure, 1908**,¹ has been filed impugning the **Order dated 16.05.2026**² passed in Ex No. 559/2026 by the **learned District and Sessions Judge, Central District, Tis Hazari Court, Delhi**³. By way of the Impugned Order, the learned Executing Court has dismissed the objections filed by the Appellant herein, under Order XXI Rule 97 and 101 read with Section 151 of the CPC.

2. Learned counsel for the Appellant/Objector would submit that

¹ CPC

² Impugned Order

³ Learned Execution Court



the impugned Order is erroneous since it does not consider any of the objections taken or the documents submitted by the Appellant in support of the objections that came to be filed.

3. He would submit that in terms of the Judgment rendered by the Hon'ble Supreme Court in ***Brahmdeo Chaudhary vs. Rishikesh Prasad Jaiswal and Anr.***⁴ and in particular paragraph No. 9 thereof, it was incumbent upon the learned Executing Court to consider the matter in its entirety as also the documents that came to be filed by the Appellant.

4. Learned counsel for the Appellant would also submit that the Impugned Order errs insofar as it seeks to conclude that since the objector has not been able to disclose the right, title or interest by way of its pleadings or documents, the objections need to be rejected.

5. *Per Contra*, learned counsel for the Respondents would submit that the present Appeal is an abuse of process of Court. He further submits that the case that is sought to be set out in the present Appeal is at variance with the case as set out in the Suit being CS 386/2026 filed by the Appellant herein, as also the objections filed in Execution Petition being Execution No.559/2026.

6. He would further submit that in neither of these proceedings, being the Objections filed as well as the Suit, was there any averment made with respect to the manner in which the Appellant herein had come into possession of the property.

7. He would, therefore, submit that this by itself would reveal the *mala fide* manner in which the Appellant is seeking to prosecute the present proceedings.

8. It would further be submitted that it is for the first time in the



present Execution First Appeal that a plea has been taken that the paternal uncle of the Appellant herein was in the employment of the Respondent-Hospital and as a result of which the Appellant herein has come into the premises.

9. This Court has heard the learned counsel for the parties and, with their able assistance, has gone through the relevant documents that have been referred to and relied upon as well as the contents of the impugned judgment.

10. The learned Executing Court has examined all the necessary pleadings as also the documents and concluded as follows:

“11. In the entire objections filed by the objector, it is not disclosed as to in what right the father of the objector late Sh. Parmeshwar Singh and Sh. Som Dutt came to occupy the property in the year 1955. The objector is conspicuously also silent as to under what right, title or interest he is in occupation of the property. The objector failed to show any independent right, title or interest in the property under his occupation.”

11. While doing so, the learned Executing Court has relied upon the judgment of the Hon’ble Madras Court in **Munuswamy v. Vengadachalam**⁵, relevant extracts of which read as under:

“9. To appreciate the contention of the learned Counsel for the Appellants, we have to see the provisions under Order 21, Rule 97 of the Code of Civil Procedure. Order 21, Rule 97, and 101, reads as follows:

“97. *Resistance or obstruction to possession of immovable property.*—

(1) Where the holder of a decree for the possession of immovable property or the purchaser of any such property sold in execution of a decree is resisted or obstructed by any person in obtaining possession of the property, he may make an Application to the Court complaining of such resistance or obstruction.

(2) Where any Application is made under sub-rule (1), the Court shall proceed to adjudicate upon the

⁴ (1997) 3 SCC 694

⁵ 2011 SCC OnLine Mad 35



application in accordance with the provisions herein contained.

.....

101. Questions to be determined

All questions (including questions relating to right, title or interest in the property) arising between the parties to a proceeding on an Application under Rule 97 or Rule 99, or their representatives, and relevant to the adjudication of the Application, shall be determined by the Court dealing with the Application and not by a separate Suit and for this purpose, the Court shall notwithstanding anything to the contrary contained in any other law for the time being in force, be deemed to have jurisdiction to decide such questions.”

10. Therefore, a reading of Order 21, Rules 97 and 101, will make it clear that when a decree is sought to be executed by the decree holder if any person obstructs to the execution of the decree in obtaining possession of the property, the decree holder may make an Application to the Court complaining of such resistance or obstruction and as per Order 21, Rule 97(2), when such Application is made, the Court shall proceed to adjudicate the Application and as per Order 21, Rule 101 of the Code of Civil Procedure, all the questions including the question relating to right, title or interest in the property arising between the parties to the proceedings shall be determined by the Court dealing with the Application and not by a separate Suit.

11. The provisions of Order 21, Rules 97 to 99 and 101, were interpreted by the Honourable Supreme Court in *Brahmdeo Chaudhary v. Rishikesh Prasad Jaiswal*, 1997 (3) SCC 694 : AIR 1997 SC 856. The Honourable Supreme Court while interpreting Order 21, Rules 97 to 99 and 101, held as follows:

“8. A conjoint reading of Order 21, Rules 97, 98, 99 and 101, projects the following picture:

(1) If a decree-holder is resisted or obstructed in execution of the decree for possession with the result that the decree for possession could not be executed in the normal manner by obtaining warrant for possession under Order 21 Rule 35 then the decree-holder has to move an Application under Order 21, Rule 97 for removal of such obstruction and after hearing the decree-holder and the obstructionist the Court can pass appropriate orders after adjudicating upon the controversy between the parties as enjoined by Order 21, Rule 97, sub-rule (2) read with Order 21, Rule 98. It is obvious that after such adjudication if it is found that the resistance or obstruction was occasioned without a just cause by the judgment-debtor or by some other person at his instigation or on his behalf then such obstruction or



resistance would be removed as per Order 21, Rule 98, sub-rule (2) and the decree-holder would be permitted to be put in possession. Even in such an eventuality the order passed would be treated as a decree under Order 21, Rule 101 and no separate Suit would lie against such order meaning thereby the only remedy would be to prefer an Appeal before the appropriate Appellate Court against such deemed decree.

.....

9. In short the aforesaid statutory provisions of Order 21, lay down a complete code for resolving all disputes pertaining to execution of the decree for possession obtained by a decree-holder and whose attempts at executing the said decree meet with rough weather. Once resistance is offered by a purported stranger to the decree and which comes to be noted by the Executing Court as well as by the decree-holder the remedy available to the decree-holder against such an obstructionist is only under Order 21, Rule 97, sub-rule (1) and he cannot bypass such obstruction and insist on re-issuance of warrant for possession under Order 21, Rule 35, with the help of police force, as that course would amount to bypassing and circumventing the procedure laid down under Order 21, Rule 97, in connection with removal of obstruction of purported strangers to the decree. Once such an obstruction is on the record of the executing Court it is difficult to appreciate how the executing Court can tell such obstructionist that he must first lose possession and then only his remedy is to move an Application under Order 21, Rule 99, C.P.C. and pray for restoration of possession. The High Court by the impugned order and judgment has taken the view that the only remedy available to a stranger to the decree who claims any independent right, title or interest in the decretal property is to go by Order 21, Rule 99. This view of the High Court on the aforesaid statutory scheme is clearly unsustainable. It is easy to visualise that a stranger to the decree who claims an independent right, title and interest in the decretal property can offer his resistance before getting actually dispossessed. He can equally agitate his grievance and claim for adjudication of his independent right, title and interest in the decretal property even after losing possession as per Order 21, Rule 99. Order 21, Rule 97, deals with a stage which is prior to the actual execution of the decree for possession wherein the grievance of the obstructionist can be adjudicated upon before actual delivery of possession to the decree-holder. While Order 21, Rule 99, on the other hand deals with the subsequent stage in the execution proceedings where a stranger claiming any right, title and interest in the decretal property might have got actually dispossessed and claims



restoration of possession on adjudication of his independent right, title and interest dehors the interest of the judgment-debtor. Both these types of enquiries in connection with the right, title and interest of a stranger to the decree are clearly contemplated by the aforesaid scheme of Order 21, and it is not as if that such a stranger to the decree can come in the picture only at the final stage after losing possession and not before it if he is vigilant enough to raise his objection and obstruction before the warrant for possession gets actually executed against him. With respect the High Court has totally ignored the scheme of Order 21, Rule 97, in this connection by taking the view that only remedy of such stranger to the decree lies under Order 21, Rule 99, and he has no *locus standi* to get adjudication of his claim prior to the actual delivery of possession to the decree-holder in the Execution proceedings. The view taken by the High Court in this connection also results in patent breach of Principles of Natural Justice as the obstructionist, who alleges to have any independent right, title and interest in the decretal property and who is admittedly not a party to the decree even though making a grievance right in time before the warrant for execution is actually executed, would be told off the gates and his grievance would not be considered or heard on merits and he would be thrown off lock, stock and barrel by use of police force by the decree-holder. That would obviously result in irreparable injury to such obstructionist whose grievance would go overboard without being considered on merits and such obstructionist would be condemned totally unheard. Such an order of the Executing Court, therefore, would fail also on the ground of non-compliance with basic Principles of Natural Justice. On the contrary the statutory scheme envisaged by Order 21, Rule 97, C.P.C. as discussed earlier clearly guards against such a pitfall and provides a statutory remedy both to the decree-holder as well as to the obstructionist to have their respective say in the matter and to get proper adjudication before the Executing Court and it is that adjudication which subject to the hierarchy of Appeals would remain binding between the parties to such proceedings and separate Suit would be barred with a view to seeing that multiplicity of proceedings and parallel proceedings are avoided and the gamut laid down by Order 21, Rules 97, and 103, would remain a complete code and the sole remedy for the concerned parties to have their grievances once and for all finally resolved in execution proceedings themselves.”

12. Again in the judgment in *Silverline Forum Pvt. Ltd. v. Rajiv Trust*, AIR 1998 SC 1754, it has been held as follows:

“When a decree-holder complains of resistance to the execution



of a decree it is incumbent on the execution Court to adjudicate upon it. *But while making adjudication, the Court is obliged to determine only such question as may be arising between the parties to a proceeding on such Complaint and that such questions must be relevant to the adjudication of the Complaint.*

(Italics
supplied)

The words “all questions arising between the parties to a proceeding on an Application under Rule 97” would envelop only such questions as would legally arise for determination between those parties. In other words, the Court is not obliged to determine a question merely because the resistor raised it. The questions which executing Court is obliged to determine under Rule 101, must possess two adjuncts. First is that such questions should have legally arisen between the parties, and the second is, such questions must be relevant for consideration and determination between the parties, *e.g.*, if the obstructor admits that he is a transferee *pendente lite* it is not necessary to determine a question raised by him that he was unaware of the litigation when he purchased the property. Similarly, a third party, who questions the validity of a transfer made by a decree-holder to an assignee, cannot claim that the question regarding its validity should be decided during Execution proceedings. Hence, it is necessary that the questions raised by the resistor or the obstructor must legally arise between him and the decree-holder. In the adjudication process envisaged in Order 21, Rule 97 (2) of the Code, the Execution Court can decide whether the question raised by a resistor or obstructor legally arises between the parties. An answer to the said question also would be the result of the adjudication contemplated in the sub-section.”

(Italics
supplied)

13. In the judgment in *Shreenath v. Rajesh* 1998 (2) LW 418 : AIR 1998 SC 1827, it has been held as follows:

“13. So far sub-clause (1) of Rule 97, the provision is same but after 1976 amendment all disputes relating to the property made under Rules 97 and 99 is to be adjudicated under Rule 101, while under unamended provision under sub-Clause (2) of Rule 97, the Executing Court issues summons to any such person obstructing possession over the decretal property. After investigation under Rule 98 the Court puts back a decree-holder in possession where the Court finds obstruction was occasioned without any just cause, while under Rule 99, where obstruction was by a person claiming in good faith to be in possession of the property on his own right, the Court has to dismiss the decree-holders Application. Thus, even prior to 1976 right of any



person claiming right on his own or as a Tenant, not party to the Suit such person's right has to be adjudicated under Rule 99 and he need not fall back to file a separate Suit. By this, he is saved from a long litigation. So a Tenant or any person claiming a right in the property, on his own, if resists delivery of possession to the decree-holder the dispute and his claim has to be decided after 1976 amendment under Rule 97 read with Rule 101 and prior to the amendment under Rule 97 read with Rule 99. However, under the old law, in case order is passed against the person resisting possession under Rule 97 read with Rule 99 then by virtue of Rule 103, as it then was, he has to file a Suit to establish his right. But now after the amendment one need not file Suit even in such cases as all disputes are to be settled by the Executing Court itself finally under Rule 101.

14. We find both either under the old law or the present law the right of a Tenant or any person claiming right on his own of the property in case he resists, his objection under Order 21, Rule 97, has to be decided by the Executing Court itself.”

14. In the judgment in *N.S.S. Narayana Sarma v. Goldstone Exports (P) Ltd.*, 2001 (4) CTC 755 (SC) : AIR 2002 SC 251, the Honourable Supreme Court upheld the judgment reported in *Silverline Forum Pvt. Ltd. v. Rajiv Trust*, AIR 1998 SC 1754 and also followed the judgment in *Anwarbuii v. Pramod D.A. Joshi*, 2000 (10) SCC 405, and held that—

“The obstructionist in possession can only be dispossessed in accordance with law. Person in possession of immovable property claiming legal entitlement thereto and obstructing execution of decree for possession may not be dispossessed till his rights are adjudicated in appropriate proceedings. The decree-holder cannot take possession unless such proceedings terminate in his favour.”

15. In the judgment in *Ashan Devi v. Phulwasi Devi*, 2004 (1) CTC 55 (SC) : AIR 2004 SC 511, the judgment rendered in *Shreenath v. Rajesh* 1998 (2) LW 418 : AIR 1998 SC 1827 and the judgment in *Silverline Forum Pvt. Ltd. v. Rajiv Trust*, AIR 1998 SC 1754, were followed and it has been held as follows:

“In interpreting the provisions of Order 21, Rule 97 of the Code and the other provisions in the said order, the aims and objects for introducing amendment to the Code cannot be lost sight of. Under the unamended Code, third parties adversely affected or dispossessed from the property involved, were required to file independent suits for claiming title and possession. The Legislature purposely amended provisions in Order 21, to enable the third parties to seek adjudication of their rights in Execution proceedings themselves with a view to curtail the prolongation of litigation and arrest delay caused in execution of decrees.”

16. Therefore, from the above judgments, it has been made clear



that in an enquiry Under Order 21, Rule 97, the Court has to decide the rights of the obstructors who are in possession of the property and there is no need to go into the title of the decree holder even though the same is questioned by the obstructor. As held in the judgment reported in *Silverline Forum Pvt. Ltd. v. Rajiv Trust*, AIR 1998 SC 1754, the questions which the Executing Court is obliged to determine under Rule 101 must possess two adjuncts. The first is that such dispute should have legally arisen between the parties, and the second is, such questions must be relevant for consideration and determination between the parties. Further, in the said judgment, it has been made clear by the Honourable Supreme Court that a third party, who questions the validity of a transfer made by a decree holder to an assignee, cannot claim that the question regarding its validity should be decided during Execution proceedings. Further, in the judgment reported in *Anwarbuii v. Pramod D.A. Joshi* 2000 (10) SCC 405, it is made clear that an obstructor cannot be dispossessed till his rights are adjudicated in appropriate proceedings. In the decision reported in *Ashan Devi v. Phulwasi Devi*, AIR 2004 SC 511, also it has been made clear that the legislator purposely amended the provisions in Order 21, to enable the third parties to seek adjudication of their rights in Execution proceedings themselves with a view to curtail prolongation of litigation and arrest the delay caused in execution of decrees.

17. Therefore, it has been made clear by the Honourable Supreme Court that in an enquiry under Order 21, Rule 97, when an obstructor objects to the delivery of possession by the decree holder, claiming independent right, the Court has to find out whether the obstructor has got any legal right to be in possession of the property and if the Court comes to the conclusion that he has got every right to be in possession of the property, the Court can pass orders to that effect and dismiss the Application filed by the decree holder and in that proceedings, the Court cannot go into the legality of the decree passed in favour of the decree holder at the instance of the obstructor. Therefore, the substantial question of law raised by the Appellants that the decree obtained by the First Respondent/decreed holder is nullity and he has no right or title to a portion of the property and that question has to be gone into Execution proceedings cannot be accepted. The substantial questions of law raised by the Appellants are decided against them.

18. It is submitted by the learned Counsel Mr. V. Raghavachari that a third party can question the validity of the decree or the enforceability of the decree in an Application under Order 21, Rule 97, and the right of the third party to question the same cannot be curtailed. He further submitted that in case the decree holder and the judgment-debtor colluded and obtained a fraudulent decree, that cannot be enforced against a third party whose rights are affected and therefore, the third party, who is having interest in the



property is entitled to question the validity of the decree.

19. Though the argument appears to be attractive in the first instance, according to me, the argument of the learned Counsel for the Appellants cannot be accepted for the simple reason that before questioning the validity of the decree obtained by the decree holder, the obstructor has to prove that he has got an enforceable right or interest in the property. Without proving his title or interest in the property, a third party, who is squatting on the property, cannot question the validity of the decree. In this case, both the Courts below have concurrently held that the Appellants have not proved their entitlement to be in possession of the property and they came into possession of the property after the decree was passed in O.S. No. 460 of 1982. Hence, it cannot be stated that the Appellants are entitled to challenge the validity of the decree obtained by the decree holder.

20. The Courts below concurrently held that the Appellants are closely related to the judgment debtor and his legal heirs and they are the son-in-law and daughter-in-law of the legal heirs of the judgment-debtor and though they have filed 45 documents, the documents produced by them will not prove any right over the suit property. At this juncture, it is pertinent to mention that in para 44 and 45 of the judgment of the Lower Appellate Court, the Lower Appellate Court, after going through various Exhibits filed by the obstructors, came to the conclusion that all the Exhibits marked by the obstructors are after the disposal of the Second Appeal and they have not produced any documents to prove their title over the property prior to 1982 and the documents produced by them will not prove their title or entitlement to be in possession of the property and they have also not stated as to how they derived title and possession over the suit property. Therefore, as rightly held by the Courts below, the Appellants, having not proved their right to be in possession of the property or their entitlement to be in possession of the property, cannot obstruct the decree being executed by the decree holder.

21. Further, as rightly pointed out by the learned Counsel for the First Respondent, this is a clear case of abuse of process of Court and as held by the Honourable Supreme Court in the judgment reported in *Dalip Singh v. State of Uttar Pradesh*, 2010 (2) SCC 114, such a litigation should not be encouraged. Further, in the judgment reported in *Hotel S.S. Pandian Pvt. Ltd. v. The Chief Judge, Court of Small Causes, etc.*, 2003 (1) LW 475, this Court has held as follows:

“The right of an innocent and genuine occupant as an obstructor is recognised under Order 21, Rule 97, C.P.C. But such a right cannot be converted into a tool in the hand of high handed and self seeking persons/Judgment debtors in order to defeat the rights of the parties and to render the decrees and orders of the Court nothing more than pieces of paper. Order 21, Rule 97, C.P.C is intended to



protect a person who is genuinely in possession of the property claiming independent rights. That is why under Order 21, Rule 101, C.P.C the Court is required to go into all allegations of title, right and interest as if it is a Suit by itself. But the most important feature to be borne in mind is Rule 102, which is squarely applicable to the facts of the present case. The provisions relating to the resistance or obstruction to possession of immovable property will not apply to obstruction by a person to whom the judgment-debtor had transferred the property *pendente lite*.”

22. Therefore, considering all these aspects, I do not find any merit in the Civil Miscellaneous Second Appeal. In the result, the Second Appeal is dismissed. No costs. The connected Miscellaneous Petition is also dismissed.”

(emphasis supplied)

12. This Court finds that, as rightly contended by the learned counsel for the Respondent, there is absolutely no averment whatsoever as to the manner in which the Appellant herein came into the possession of the subject property. It appears that on one fine day in the year 1955, the Appellant herein suddenly appeared at the property. There is absolutely nothing to substantiate how they actually came into the said property whatsoever. Furthermore, this Court is also of the opinion that the entire story, now sought to be projected in the present Appeal, is simply a means to get over the finding in the Impugned Order and the same cannot be accepted or relied upon. The averments now sought to be made and sought to be articulated in oral submissions regarding the paternal uncle being an employee appear to be nothing but an attempt to improve the case and surmount the findings in the Impugned Order.

13. The documents produced on behalf of the Appellant also do not in any manner establish any right, title or interest on the said property as is required in Order XXI Rule 101 of the CPC.

14. This Court also concurs with the judgment of the Hon’ble Madras High Court in ***Munuswamy (supra)***, particularly with the



principle enunciated therein that although an objector is entitled to have his independent right, title or interest adjudicated upon in proceedings under Order XXI Rules 97 and 101 of the CPC, such right cannot be invoked in an abstract manner or merely on the basis of physical possession. The objector must, at the threshold, disclose and establish the legal basis of his entitlement to remain in possession of the property. As noticed by the Hon'ble Madras High Court, an objector who seeks to challenge the execution of a decree must first demonstrate an enforceable right or interest in the property and absent such right or interest, a mere assertion of possession cannot operate to defeat the execution of a decree.

15. In the present case, the Appellant has failed to disclose any such legally cognisable basis for its possession. As noticed hereinabove, the objections are conspicuously silent as to the circumstances in which the Appellant's father, late Sh. Parmeshwar Singh, or Sh. Som Dutt came into occupation of the subject property in or around the year 1955. More importantly, there is no disclosure as to the manner in which the Appellant subsequently derived possession, or the legal right, title or interest under which the Appellant claims to be entitled to continue in occupation of the property. The mere assertion that the Appellant has been in possession of the property for a considerable period cannot, by itself, constitute a legally enforceable right sufficient to obstruct execution of a decree.

16. The reliance placed by learned counsel for the Appellant on ***Brahmdeo Chaudhary (supra)*** does not advance the Appellant's case. There can be no quarrel with the proposition that a stranger to a decree, who offers resistance to its execution by asserting an independent right, title or interest in the decretal property, is entitled to



have such claim adjudicated upon by the Executing Court before being dispossessed. The decision in ***Brahmdeo Chaudhary (supra)*** was rendered to prevent an objector with a genuine independent claim from being dispossessed without adjudication. It does not, however, dispense with the requirement that the objector must actually set up a legally sustainable claim and place before the Executing Court the material necessary for establishing the same.

17. In fact, the decision in ***Munuswamy (supra)***, as extracted hereinabove, makes the position particularly clear. While the Executing Court is required to adjudicate the rights of an objector under Order XXI Rules 97 and 101, an objector cannot, without establishing his own enforceable right or interest in the property, seek to challenge the decree or otherwise prevent its execution. The protection accorded by Rules 97 and 101 is intended to safeguard a person who has an independent and legally recognisable claim to possession; it cannot be converted into a mechanism whereby a person, who is unable or unwilling to disclose the source of his possession, can indefinitely obstruct execution of a decree.

18. The documents relied upon by the Appellant also do not cure this fundamental deficiency. Even assuming that the said documents establish the Appellant's physical presence or occupation of the property, they do not establish the legal source from which such possession was derived, nor do they disclose any independent right, title or interest enforceable against the decree-holder. The mere existence of documents relating to the property or to the Appellant's occupation cannot substitute for proof of the legal basis of the claim. Order XXI Rule 101 requires adjudication of questions relating to right, title or interest; it does not contemplate an adjudication founded



merely upon an unexplained assertion of possession.

19. This aspect assumes greater significance in the present case since the Appellant has attempted, for the first time in the present Appeal, to explain the genesis of its possession by alleging that his paternal uncle was employed with the Respondent-Hospital and that, on that account, the Appellant came to occupy the subject premises. No such explanation is discernible in the objections filed before the learned Executing Court, nor, as submitted by the Respondents, from the Suit instituted by the Appellant. Such an explanation, introduced for the first time at the appellate stage, cannot be permitted to retrospectively supply the missing foundation of the Appellant's claim, particularly when the very genesis of its possession is the central issue which the Appellant was required to disclose and substantiate.

20. The Appellant's contention that the learned Executing Court failed to consider its objections and documents, therefore, cannot be accepted merely because the learned Executing Court did not deal with each document or each averment separately. A reading of the Impugned Order demonstrates that the learned Executing Court identified the determinative issue, *namely*, whether the Appellant had disclosed or established any independent right, title or interest in the subject property. Upon consideration of the pleadings and material before it, the learned Executing Court found that the Appellant had failed to disclose the basis on which its predecessor-in-interest had entered into possession and, consequently, had failed to establish any independent right to continue in possession.

21. In this regard, the distinction between adjudication and acceptance of an objection is material. The fact that an objector is



entitled to have his claim adjudicated under Order XXI Rules 97 and 101 does not mean that every objection raised by an objector must ultimately be accepted, or that the mere filing of documents compels the Executing Court to treat the objector as having established an independent right. The statutory requirement is that the claim be examined and adjudicated. In the present case, the learned Executing Court has undertaken that exercise and has found the foundation of the claim to be unsupported by any disclosed right, title or interest.

22. The Appellant cannot derive assistance from the procedural protection afforded to a genuine objector while simultaneously failing to disclose the substantive right which forms the very foundation of such protection.

23. The statutory scheme of Order XXI Rules 97 to 101 of the CPC is intended to avoid multiplicity of proceedings and to ensure that all genuine disputes concerning possession, right, title or interest are resolved by the Executing Court itself. It is not intended to provide a fresh forum for a person to set up an otherwise unexplained claim of possession after a decree has become executable. To hold otherwise would permit the execution of a decree to be frustrated by a person who neither discloses the source of his possession nor establishes any legally enforceable interest in the decretal property.

24. Consequently, this Court finds no infirmity in the conclusion reached by the learned Executing Court that the Appellant had failed to establish any independent right, title or interest in the subject property. The reliance placed by the Appellant on ***Brahmdeo Chaudhary (supra)*** cannot alter this conclusion, as the said judgment protects the right of a *bonafide* objector to an adjudication of a genuine independent claim. It does not dispense with the necessity of



pleading and substantiating such claim. Likewise, the judgment in *Munuswamy (supra)* supports, rather than detracts from, the conclusion reached by the learned Executing Court.

25. In view of the aforesaid discussion, this Court is of the considered view that the Impugned Order does not suffer from any material irregularity warranting interference in the present Appeal. The learned Executing Court has considered the objections in the context of the pleadings and material placed before it and has rightly concluded that the Appellant has failed to establish any enforceable right, title or interest in the subject property. The attempt to introduce a new explanation for the origin of possession at the appellate stage cannot be permitted to overcome this fundamental deficiency.

26. In view of the aforesaid, this Court finds no merit in the present Appeal.

27. Accordingly, the present Appeal, along with the pending application(s), if any, is dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 13, 2026/rk/va