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

Date of decision: 29.07.2026

+ EX.F.A. 25/2023, CM APPL. 37543/2023 (U/O 41 Rule 5), CM APPL. 54212/2024 (U/O 1 Rule 10), CM APPL. 2438/2026 (Delay of 45 days in filing the case law), CM APPL. 2439/2026 (For taking on record the compilation of list of dates and events) & CM APPL. 2440/2026 (Delay of 7 days in Re-filing the application)

MR CHHATTAR PAL

.....Appellant

Through: Mr. Rakesh Kansal, Advocate.

versus

SMT RAMO DEVI & ORS.

.....Respondents

Through: Mr. Vikas Khatri and Mr. Manas Khatri, Advocates for Respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Appeal has been filed under Order XXI Rule 58 of the **Code of Civil Procedure, 1908**¹, impugning the Orders dated 18.04.2023 passed by **ADJ-07, Central District, Tis Hazari Courts, Delhi**² in Ex. No. 37/2021 and Misc. Ex. No. 04/2022, whereby the Execution Application filed by the Appellant seeking execution of the Order dated 20.11.2018 and the Decree dated 20.5.2019 as well as Misc. Ex. No. 04/2022 seeking revival of Ex. No. 50/2015 was

¹ CPC

² Executing Court



dismissed by the Executing Court.

2. At the outset, learned counsel appearing on behalf of the Appellant submits that the challenge in the present Appeal is confined only to the **Order dated 18.04.2023**³ passed in Execution Petition No.37/2021 and accordingly, the challenge to the Order dated 18.04.2023 passed in Misc. Execution No.04/2022 is not pressed.

3. Learned counsel appearing on behalf of the Appellant fairly submits that the present execution petition came to be instituted beyond the period of twelve (12) years prescribed under Article 136 of the **Limitation Act, 1963**⁴. He further fairly submits that the Appellant had earlier instituted execution proceedings which were subsequently withdrawn.

4. Upon a query from this Court, learned counsel for the Appellant is unable to point out any material to demonstrate that the earlier execution proceedings had failed on account of want of jurisdiction or any other cause of a like nature so as to attract the benefit of Section 14 of the Limitation Act. He is also unable to dispute the legal position that the compromise decree was passed on 07.11.2006.

5. This Court has heard learned counsel appearing on behalf of the Appellant and perused the material available on record.

6. It is noted that the controversy involved in the present Appeal lies within a narrow compass. The learned Executing Court has held that the compromise order dated 07.11.2006 finally determined the rights of the parties and was, therefore, executable from the date it was passed.

7. Relying upon the decision of the Hon'ble Supreme Court in

³ Impugned Order

⁴ Limitation Act



Chiranji Lal (Dr.) v. Hari Das⁵, the learned Executing Court has further held that the subsequent engrossment of the decree upon stamp paper and drawing of the final decree on 20.05.2019 would not furnish a fresh starting point of limitation under Article 136 of the Limitation Act.

8. The learned Executing Court has also rejected the Appellant's plea under Section 14 of the Limitation Act after noticing that there was neither any pleading nor any material to establish that the earlier execution petition had failed on account of want of jurisdiction or any other cause of a like nature.

9. In view of the fair submissions made on behalf of the Appellant and the settled position of law noticed by the learned Executing Court, this Court finds no infirmity in the Impugned Order warranting interference in exercise of appellate jurisdiction.

10. Accordingly, the present Appeal, along with all pending application(s), stands dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 29, 2026/nd/jk

⁵ (2005) 10 SCC 746