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

Reserved on: 28.09.2026
Date of Decision: 14.10.2026
Date of Uploading: 14.10.2026

\# **CNR No. DLHC010437472022**

\+ CM(M) 1272/2022 & CM APPL. 50247/2022

RAMAN RAHEJA .....Petitioner

Through: Mr. Vidit Garg, Adv.

versus

NARENDERA PRASAD PODDAR .....Respondent

Through: Mr. Lalit Mohan and Mr. Videh Vaish, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. Through the present petition, the petitioner/judgment debtor no. 1 assails the order dated 03.08.2022 passed by the learned ADJ (West), Tis Hazari Courts, Delhi[1], in Ex no. 383/21[2], titled *"Narendra Prasad Poddar v. Raman Raheja & Anr"*, whereby the learned Executing Court dismissed the application of the petitioner under Section 47 read with Section 151 of the Code of Civil Procedure, 1908[3].

2. The facts necessary for the disposal of the present petition are elucidated as follows, in 2018 the respondent/decree holder instituted CS no. 1032/18[4], titled *"Sh. Narender Prasad Poddar v. Raman Raheja &*

[1] Hereinafter 'Executing Court'
[2] Hereinafter 'execution proceedings'
[3] Hereinafter 'CPC'
[4] Hereinafter 'underlying suit'

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Anr." under Order XXXVII of the CPC, contending *inter alia* that the petitioner failed to pay rent and other dues *qua* the respondent's property i.e., *"Office no. 720, DLF Star Tower, 32nd Milestone, NH-8, Gurgaon, Haryana"*, for a period spanning from April 2015 to August 2015.

3. The learned Trial Court *vide* order dated 22.08.2019 decreed the underlying suit for Rs. 10,65,965/- together with interest @9% *per annum* in favour of the respondent. The relevant portion of the aforesaid decree reads thus:

> "The suit of the plaintiff is decreed for the amount of Rs. 10,65,965/- together with the interest @ 9% per annum from the date of the filing of the present suit till the date of its realization against both the defendants. Decree sheet be prepared accordingly by the Reader. File be consigned to record room."

4. Pursuant thereto, seeking to execute the decree, in 2021 the respondent instituted the execution proceedings. During the course of these proceedings, the petitioner moved an application under Section 47 read with Section 151 of the CPC, raising objections against the execution petition.

5. The learned Executing Court *vide* impugned order dated 03.08.2022, dismissed the application moved by the petitioner, finding it to be devoid of merit. The relevant portion of the impugned order is reproduced hereunder for ready reference:

> "15. The rulings relied up on by the Ld. Counsel for the JD no. 1 is not applicable to the facts of the present case. JD no. 1 had failed to bring anything on record that the DH obtained the decree by playing fraud on the Court. In fact JD no. 1 and JD no. 2 are passing the buck on each other in order to avoid their liability. But they cannot be allowed to play with the proceedings of the Court. Even otherwise, this Court cannot sit in appeal against the order passed by the Ld. Predecessor of this Court.
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> 16. In view of the above discussions I do not find any merit in the application under Section 47 read with Section 151 CPC filed on behalf of JD no. 1 and the same is dismissed."

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6. At the next date of hearing i.e., 26.08.2022, the learned Executing Court proceeded to issue warrants of attachment against the movable assets of the petitioner, subject to the filing of affidavit of pendency of no stay/appeal etc.

7. Aggrieved by the impugned order, the petitioner herein preferred the present petition. This Court *vide* order dated 22.11.2022 issued notice to the respondent and stayed the execution proceedings. The interim protection granted hereinabove has since continued and consequently, the underlying execution has halted.

8. Mr. Vidit Garg, the learned counsel for the petitioner submits that the underlying suit itself is barred by limitation as it was instituted on 07.09.2018 whereas the arrears of rent sought to be recovered span from April 2015 to August 2015, thereby exceeding the three-year limitation period prescribed under Article 52 of the Limitation Act, 1963. It is added that in any case, the petitioner resigned from his position as the CEO/authorized signatory of M/s World Kabaddi League/judgment debtor no. 2 in March 2015, due to which no personal liability, for any unpaid rent/dues can be fastened on the petitioner.

9. Mr. Garg further submits that the registered lease deed dated 05.02.2014, upon which the underlying suit was decreed, was executed solely between the respondent and judgment debtor no. 2, with the petitioner having acted merely as the CEO/authorized signatory of judgment debtor no. 2.

10. It is also contended that the decree was obtained by the respondent by playing fraud on the learned Trial Court. Reliance is placed on the decision of the Hon'ble Supreme Court in ***S.P. Chengalvaraya Naidu v.***

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Jagannath[5] to contend that a judgment/decree obtained by playing fraud on the Court is *non est* in eyes of the law. Further reliance is placed on ***Sarwan Kumar and Ors. v. Madan Lal Aggarwal***[6], to contend that since the decree passed in the underlying suit is a nullity, the petitioner is entitled to raise objections to it during the execution.

11. It is lastly submitted that by virtue of the statutory bar under Section 8 of the Societies Registration Act, 1860, any decree obtained against an officer representing a society can only be enforced against the society itself and not against the officer. Support is drawn from the decision of the Hon'ble Andhra Pradesh High Court in ***Someswara Swamy Vari Devastanam v. Dasam Suryanarayana and Ors.***[7] to contend that a decree passed against the officers of a society in their individual capacity is a nullity.

12. *Per Contra*, Mr. Lalit Mohan, the learned counsel for the respondent submits that the petitioner has not appealed/assailed the decree and the same is now final. It is added that in the absence of any challenge to the decree, the petitioner cannot be permitted to raise objections during the execution. It is further submitted that the cheques issued by the petitioner got dishonored on 05.10.2015, whereas the underlying suit was instituted on 07.09.2018, making it well-within the three-year limitation period under Article 52 of the Limitation Act, 1963.

13. Heard. Perused the record.

14. The primary issue before this Court is whether the learned Executing Court rightly exercised its jurisdiction while dismissing the application of the petitioner under Section 47 read with Section 151 of the CPC.

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[5] **(1994) 1 SCC 1**
[6] **(2003) 4 SCC 147**
[7] **2003 SCC OnLine AP 1035**

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15. A bare perusal of the record indicates that the petitioner has raised three principal contentions, first, the statutory bar operating by virtue of Section 8 of the Societies Registration Act, 1860 made the decree inexecutable against the petitioner, second, the statutory bar operating under Article 52 of the Limitation Act, 1963 rendered the underlying suit barred by limitation and third, the respondent played fraud on the learned Trial Court to obtain the decree.

16. Insofar as the primary contention is concerned, this Court is of the considered view that the petitioner cannot seek the refuge of Section 8 of the Societies Registration Act, 1860. A bare reading of the said provision reveals that it is attracted only where an officer has been named on behalf of a society. Contrarily, in the present case, the underlying suit was not only instituted on the basis of the registered sale deed dated 05.02.2014, executed between the respondent and judgment debtor no. 2 but also on the basis of six cheques totalling Rs. 10,65,965/- drawn by the petitioner from his personal account. Even the underlying suit was decreed against both, the petitioner and judgment debtor no. 2, thereby making the recovery a personal liability of the petitioner. Section 8 of the Societies Registration Act, 1860 is reproduced hereunder for clarity:

> "8. Enforcement of judgment against society.—If a judgment shall be recovered against the person or officer named on behalf of the society, such judgment shall not be put in force against the property, movable or immovable, or against the body of such person or officer, but against the property of the society.
>
> The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society."

17. Even going by the petitioner's own admission that he resigned from

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his position with judgment debtor no. 2 in March 2015, he is estopped from invoking Section 8 of the Societies Registration Act, 1860, as the statutory shield provided therein applies exclusively to an officer sued in a representative capacity on behalf of a society, which is not the case here.

18. Importantly, in ***Someswara Swamy Vari Devastanam (supra)***, the decree passed against the office bearers therein was strictly in their official capacity whereas, the suit herein was instituted and decreed against the petitioner in his individual capacity. Even otherwise, while the decisions of coordinate High Courts command great weight and respect, the same do no constitute a binding precedent for this Court.

19. Turning to the objection of the petitioner *qua* limitation, it is evident that the cause of action for instituting the recovery suit arose on 05.10.2015, when the cheques issued by the petitioner from his personal account were dishonoured. Computed from this date, the underlying suit, having been instituted on 07.09.2018, is well within the three-year limitation period prescribed under Article 52 of the Limitation Act, 1963. Thus, this contention of the petitioner fails to stand.

20. The last contention of the petitioner, that the decree was obtained by playing fraud on the learned Trial Court and its consequent reliance on *S.P. Chengalvaraya Naidu (supra)*, is equally untenable. In that decision the underlying decree was vitiated by clear fraud but in the case at hand, no material has been brought on record to substantiate the allegation of fraud levied against the respondent. Moreso, this contention has already been deliberated upon in the impugned order. The relevant portion of the impugned order reads thus:

> "The rulings relied up on by the Ld. Counsel for the JD no. 1 is not applicable to the facts of the present case. **JD no. 1 had failed to bring anything on record that the DH obtained the decree by playing fraud on the Court**. In fact JD no. 1 and JD no. 2 are

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> passing the buck on each other in order to avoid their liability. But they cannot be allowed to play with the proceedings of the Court. Even otherwise, this Court cannot sit in appeal against the order passed by the Ld. Predecessor of this Court."

21. Pertinently, the decree dated 22.08.2019 passed in the underlying suit was never assailed by the petitioner in any subsequent appeal and thereby it attained finality.

22. At this juncture, it is apposite to emphasize that the powers available to an Executing Court under Section 47 of the CPC are narrower than the powers available in appeal, revision or review. The aforementioned discussion draws strength from ***Brakewel Automotive Components (India) (P) Ltd. v. P.R. Selvam Alagappan***[8], where the Hon'ble Supreme Court clarified that objections under Section 47 of the CPC are strictly limited to jurisdictional infirmity and voidness. The relevant portion of the said decision reads thus:

> "22. Judicial precedents to the effect that the purview of scrutiny under Section 47 of the Code qua a decree is limited to objections to its executability on the ground of jurisdictional infirmity or voidness are plethoric. This Court, amongst others in *Vasudev Dhanjibhai Modi* v. *Rajabhai Abdul Rehman* [*Vasudev Dhanjibhai Modi* v. *Rajabhai Abdul Rehman*, (1970) 1 SCC 670 : AIR 1970 SC 1475 : (1971) 1 SCR 66] in essence enunciated that only a decree which is a nullity can be the subject-matter of objection under Section 47 of the Code and not one which is erroneous either in law or on facts. The following extract from this decision seems apt : (SCC pp. 672-73, paras 6-7)
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> "*6*. A court executing a decree cannot go behind the decree : between the parties or their representatives it must take the decree according to its tenor, and cannot entertain any objection that the decree was incorrect in law or on facts. Until it is set aside by an appropriate proceeding in appeal or revision, a decree even if it be erroneous is still binding between the parties.
>
> *7*. When a decree which is a nullity, for instance, where it is passed

[8] **(2017) 5 SCC 371**

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> without bringing the legal representative on the record of a person who was dead at the date of the decree, or against a ruling prince without a certificate, is sought to be executed an objection in that behalf may be raised in a proceeding for execution. Again, when the decree is made by a court which has no inherent jurisdiction to make it, objection as to its validity may be raised in an execution proceeding if the objection appears on the face of the record : where the objection as to the jurisdiction of the court to pass the decree does not appear on the face of the record and requires examination of the questions raised and decided at the trial or which could have been but have not been raised, the executing court will have no jurisdiction to entertain an objection as to the validity of the decree even on the ground of absence of jurisdiction."

23. From a conjoint reading of paragraphs 21 and 22, this Court believes that the learned Executing Court, considering its jurisdiction under Section 47 of the CPC, rightly dismissed the subject application of the petitioner.

24. In light of the foregoing discussion, it is concluded that the contentions of the petitioner *qua* the in-executability of the decree against the petitioner due to the statutory bar operating under Section 8 of the Society Registration Act, 1980, the underlying suit being barred by limitation under Article 52 of the Limitation Act, 1963 and fraud played by the respondent on the learned Trial Court, are all devoid of merit. This Court is also of the considered view that the learned Executing Court rightly exercised its jurisdiction by dismissing the application of the petitioner under Section 47 read with Section 151 of the CPC.

25. Accordingly, the present petition, along with all pending application(s), is dismissed. Needless to say, the interim stay granted by this Court *vide* order dated 22.11.2022 stands vacated and the learned Executing Court is requested to proceed with the execution, in accordance with law.

26. It is made clear that this Court has not appreciated the merits of the rival contentions.

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27. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

OCTOBER 14, 2026/ar/as

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