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

Reserved on: 13 October 2026
Pronounced on: 29 October 2026

\# **CNR No. DLHC010462862019**

\+ EX.P. 107/2019

MRS. SIMMI DHAWAN .....Decree Holder

Through: Mrs. Kajal Chandra, Mr.Ananyay Bhardwaj, Ms. Hatneimawi and Mr.Suyash Swarup, Advs.

versus

MR. NAVEEN MALHOTRA .....Judgement Debtor

Through: Mr. Naveen Malhotra and Ms. Chanchal, Advs. for JD-9 & 10

CORAM:
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% 29.10.2026

EX APPL (OS) 1512/2026 (67 days' delay in filing appeal)

1. This is an application filed by the applicant-respondent No.6 seeking condonation of 67 days' delay in filing the present chamber appeal.

2. I have heard the submissions of learned counsel for parties.

3. For the reasons stated in the application, the delay of 67 days in filing the chamber appeal is condoned, subject to payment of cost of Rs.20,000/- to be paid to the decree-holder.

4. Accordingly, the application is allowed.

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O.A. 278/2026 (chamber appeal against order dated 11.03.2026)

5. This is a chamber appeal filed under Chapter II Rule 5 of the Delhi High Court (Original Side) Rules, 2018 by the respondent No.6-Punjab National Bank praying for setting aside the order dated 11.03.2026 to the extent it closes the right of the appellant-Bank to lead evidence while permitting the Bank to rely upon its evidence affidavit filed before this Court.

6. An execution petition **EX.P. 107/2019** is filed by the decree-holder, namely Mrs. Simmi Dhawan, to execute a decree dated 07.05.2019 passed in **CS(OS) No.984/2014** titled as **Simmi Dhawan v. Naveen Malhotra & Ors** by this Court. The relevant operative part of the above judgment is reproduced as under:

> "Accordingly, a decree of specific performance is passed in favour of the Plaintiff – Smt. Simmi Dhawan against the Defendant – Sh. Naveen Malhotra in respect of property bearing no. No.B-24, land area measuring 305 sq.yds. approx., along with front half portion of Garage, situated in the residential colony known as 'Kailash Colony' at Village Zamrudpur, on Lajpat Nagar and Kalkaji Link road, in Delhi. Further, a decree of possession is also passed in favour of Mrs. Dhawan directing Mr. Malhotra to deliver the vacant and peaceful possession of the suit property. Till the sale deed is executed and possession is transferred to Mrs. Dhawan, there shall be a permanent injunction restraining Mr. Malhotra from creating any third party interest in the suit property."

7. Learned Counsel for the decree-holder took the Court through order dated 18.02.2026 whereby, the learned Joint Registrar directed respondent No.6 to 10 to conclude their evidence, failing which, their evidence would stand closed. Thereafter, vide impugned order dated 11.03.2026, since none

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appeared on behalf of respondent No.6 to 10, their right to lead evidence was closed. Aggrieved by this order, the appellant is in the Chamber appeal.

8. Learned Counsel for the appellant-Punjab National Bank submits that the decreed suit property is mortgaged with the appellant-Bank and since, there are multiple mortgagee(s)/Banks involved in the present execution petition, it is requisite for the Bank to place on record material documents that are critical to the matter.

9. Learned Counsel for the appellant-Bank further submits that once an evidence affidavit had already been filed by a party to the proceeding, the right to lead evidence cannot be closed by an adjudicating Court merely on the ground of non-appearance on one date.

10. On the other hand, learned counsel for the decree-holder submits that allowing the present appeal after such considerable lapse of time would be unjust to the decree holder.

11. I have considered the submissions advanced by learned counsels for the parties.

12. From the perusal of the record, it is clear that the appellant has claimed a valuable right over the property. Appellant has already filed its evidence affidavit. It is true that the appellant-Punjab National Bank had been extremely negligent in pursuing this case but at the same time it would not be appropriate to stop it from presenting its case before the Joint Registrar.

13. Accordingly, I set aside the impugned order dated 11.03.2026. The Joint Registrar will grant one more opportunity

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to the appellant to lead its evidence.

14. Let parties appear before Joint Registrar on 04.11.2026

15. With this direction, the present Chamber appeal stands allowed.

VINOD KUMAR, J

OCTOBER 29, 2026/*vb*

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