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

+ **CM(M) 59/2024**

HT HAPPY TUMMY PRIVATE LIMITED Petitioner

Through: Mr. Sarvesh Singh and Mr. Mohit
Kumar, Advocates.

versus

NARESH KUMAR CHADHA AND ANR Respondents

Through: Mr. Pulkit Sharma, Adv.(through VC)

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+ **CM(M) 60/2024**

HT HAPPY TUMMY PRIVATE LIMITED Petitioner

Through: Mr. Sarvesh Singh and Mr. Mohit
Kumar, Advocates.

versus

SHRI AJIT KUMAR CHADHA AND ANR Respondents

Through: Mr. Pulkit Sharma, Adv.(through VC)

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **23.01.2024**

CM APPL. 3867/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 59/2024, CM APPL. 3865/2024-E.hearing, CM APPL. 3866/2024—stay, CM APPL. 3870/2024, CM APPL. 3871/2024, CM APPL. 3872/2024

CM(M) 60/2024, CM APPL. 3870/2024, CM APPL. 3871/2024, CM APPL. 3872/2024

1. The present petition under Article 227 of the Constitution of India



read with section 151 of the Civil Procedure Code (“CPC”) has been filed assailing the impugned orders dated 21.12.2023 and 06.01.2024 passed by the learned D.J. (COMM.)-03, Karkardooma Courts, Delhi (“Executing Court”), in Execution Petition (COMM) No.125/2023 titled as “*Naresh Kumar Chadha & Anr. vs. Vinesh Jain & Sons.*”, whereby the learned Executing Court issued successive warrants of attachment for the movables lying at the restaurant at 13 Upper Ground Floor, Dayanand Vihar, Delhi 110092 (“Subject premises”) as the execution of previous attachment warrant issued vide order dated 21.12.2023 returned unsuccessful

2. At the outset, the learned counsel on behalf of the petitioner submits that the objections were raised vide an application dated 12.01.2024. However, the aforesaid application was not listed to be heard on any particular date of hearing, rather, it was orally conveyed to him that it would be taken up with the execution petition on the next date of hearing, which is stated to be 24.01.2024. It is submitted that in case impugned order is not stayed, his objections & present petition will become infructuous as the bailiff has been appointed for today to take possession of the immovable property in the afternoon, which belongs to the petitioner.

3. Per contra, the learned counsel for the respondents submits that the present petition is not maintainable in view of the objections already filed by petitioner before the learned Executing Court.

4. In view of the submissions made, the operation of the impugned order dated 12.01.2024 is stayed till the objections are decided by the Learned Executing Court. However, it is made clear that no adjournment on whatsoever grounds shall be granted to the petitioner by the learned Executing Court. In any event, if an adjournment is requested on behalf of



the petitioner, then stay granted by this court today, shall automatically stand vacated.

5. The learned Executing Court shall make an endeavour to hear and decide the objections filed by the petitioner within two weeks from today.

6. At this stage and in view of the directions recorded, the learned counsel for the petitioner seeks permission to withdraw the present petitions.

7. Permission is granted to withdraw.

8. Accordingly, the present petitions along with the pending applications are disposed of.

SHALINDER KAUR, J

JANUARY 23, 2024/SDS