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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 04th September, 2024***
+ CM(M) 3325/2024 & CM APPL. 51227/2024 & CM APPL.
51226/2024
AHMAD ALI

.....Petitioner

Through: Mr. Harsh Vardhan Sharma, Mr. A.,
Mr. Pankaj Kumar and Mr. Harsh
Saini, Advocates.

versus

MANOHAR SINGH PANNU (M.S. PANNU) AND ANR

.....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. After hearing arguments for some time, learned counsel for the petitioner states that he only seeks permission to deposit lesser amount.
2. It is apprised that the decree is for the principal amount of Rs.86,464/-. According to him, the decree was against one Mohd. Ahmed son of Mohd. Akhtar but the execution has been initiated against the petitioner herein who has no semblance with the aforesaid actual Judgment Debtor.
3. When the appeal was filed by the petitioner herein, which was registered MCA (DJ) 14/2024, the learned Appellate Court also took note of the aspect that the identity of the Judgment Debtor was in question and the objector/appellant, against whom the decree was being executed, has been claiming that he was not the person against whom the decree had been passed. However, the learned Appellate Court directed that the execution proceeding



be stayed on the condition that the appellant deposits a sum of Rs. 2 lacs in the form of FDR.

4. Learned counsel for the petitioner states that though the identity is in dispute and the execution could not have been initiated against him but without prejudice to his rights and contentions, he would deposit a sum of Rs.1 lac before the learned Appellate Court.

5. Nobody appears on behalf of the respondent despite advance notice.

6. Keeping in mind the overall facts and circumstances of the case and also the fact that the appellant has been asserting throughout that he is not the Judgment Debtor in question, the execution shall remain stayed, till disposal of appeal, on his depositing a sum of Rs. 1 lac before the learned Appellate Court in the shape of FDR within a week.

7. The learned Appellate Court would, however, be at liberty to hear arguments and to dispose of the appeal in accordance with law.

8. The petition stands disposed of in the aforesaid terms.

9. Order dasti under the signature of the Court Master.

(MANOJ JAIN)
JUDGE

SEPTEMBER 4, 2024/ss