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

+ **EX.F.A. 37/2024 & CM APPL. 63922-63923/2024**

YAD PAL

.....Appellant

Through: Mr. Ajay Bansal, Ms. Veena Bansal,
Mr. Gaurav Yadava and Mr. Saurav
Jindal, Advs.

versus

MOHIT KAUSHIK

....Respondent

Through: Mr. Vivek Sharma, Adv along with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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29.10.2024

1. The instant appeal is against the order dated 22.10.2024. A perusal of the same would indicate that the Executing Court had proceeded with the execution proceedings while issuing the warrant of attachment and possession against the Judgment Debtor subject to filing of the PF.
2. Learned counsel for the appellant submits that the Executing Court did not allow the appellant to raise necessary legal objections. However, the said position is vehemently opposed by the respondent.
3. Learned counsel for the respondent submits that when there was no stay by the Appellate Court in RFA 697/2024, the Executing Court has rightly proceeded in issuance of warrant of attachment. He further submits that no objection was submitted by the Judgment Debtor, and, therefore,



there arise no question for consideration.

4. I have considered the aforesaid submissions made by the parties, and have perused the record. The Order dated 22.10.2024 passed by the Executing Court reads as under:

“In this matter, an RFA no. 697 /24 was preferred by the JD and in the order dated 07.10.2024, it is specifically recorded that there is no stay to the judgment and decree dated 09.08.2024. This fact is confirmed by the counsel for JD also.

Accordingly, let warrant of attachment and possession be issued against the JD on filing of PF returnable for 07.12.2024. Let the locks be broken open, if required, for execution of warrant of possession. Let necessary police aid be also given, if required.

List before Ld. ACJ for appointment of bailiff on 06.11.2024.

Copy of this order be given dasti.”

5. The Court does not find any error in the aforesaid order passed by the Executing Court, and, therefore, no interference by this Court is called for. However, if the appellant has any legal objection, he is always entitled to place the same before the Executing Court in accordance with law.

6. With the aforesaid liberty, the present appeal stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

OCTOBER 29, 2024

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