



\$~ 83

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

+ **CM(M) 3817/2024**

UMESH KUMAR TREHAN

.....Petitioner

Through: Mr. Anuj Arora, Adv.

versus

SEEMA RANI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **18.11.2024**

CM APPL. 66371/2024 (EXEMPTION)

Allowed, subject to all just exceptions.

The applications stand disposed of.

CM(M) 3817/2024

1. The petitioner assails the order dated 07.11.2024 passed by the learned Administrative Civil Judge, District East, Karkardooma Courts, Delhi on the warrants of possession issued in Execution Application No. 177/2024.
2. Learned counsel for the petitioner submits that the court of learned Civil Judge passed an interim decree in favour of the petitioner vide order dated 27.08.2024 thereby directing the respondent to vacate the tenanted premises within 30 days from the date of the order.
3. It is submitted that respondent filed an appeal bearing no. MCA DJ No. 22/24, which is presently pending before the Court of learned District



Judge-04, East Karkardooma Courts, Delhi.

4. In the interregnum, petitioner filed an execution petition bearing no. 177/2024 before the learned Administrative Civil Judge. Vide order dated 26.10.2024, the learned Civil Judge issued warrants of possession of the tenanted premises and fixed the date for 07.11.2024 for appointment of bailiff.

5. On 07.11.2024, the Administrative Civil Judge while appointing the bailiff gave directions to execute the order only after 16.11.2024 subject to the orders of the Appellate Court on 16.11.2024. It is this order which has been challenged in this present petition.

6. Learned counsel for the petitioner submits that as on 07.11.2024, there was no order for stay of the execution, and therefore, the learned Administrative Civil Judge was not competent to pass any direction to the bailiff for executing the warrant subject to the orders of Appellate Court on 16.11.2024.

7. Since there was no stay either of the judgment in the execution, there was no occasion to issue such directions by the Administrative Civil Judge.

8. During the proceedings today, learned counsel for the petitioner fairly stated that the Appellate Court has since passed the order granting stay in the appeal.

9. Even though the impugned order dated 07.11.2024 passed by the learned Administrative Civil Judge cannot be sustained and is set aside, it may be observed that the warrant of possession issued by the learned Civil Judge cannot be executed now, in view of the stay order passed by the Appellate Court.



10. Petition is accordingly disposed of.

RAVINDER DUDEJA, J

NOVEMBER 18, 2024/ib