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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 4095/2024 & CM APPL. 73730/2024
M/S MANOJ GUPTA AND SONS (HUF)Petitioner
Through: Mr. C.M.Grover, Adv.

versus

PUNEET KHURANARespondent
Through:

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

% **ORDER**
16.12.2024

1. The petitioner filed a suit for possession, recovery, rent and permanent injunction before the Court of learned District Judge, Shahdara, Karkardooma Court, Delhi. The decree of possession was passed by the learned Trial Court vide order dated 15.07.2024 thereby granting the respondent one month's time to vacate.
2. Learned counsel submits that respondent has preferred an appeal before this Court but no stay order has been passed. It is further submitted that petitioner thereafter filed an execution application and in which instead of granting the warrants of possession, breaking of lock and police aid, the executing court issued notice to the JD, totally disregarding Order XXI Rule 22 CPC.
3. The impugned order dated 26.11.2024 passed by the executing court is bereft of any reason. The executing court simply issued notice of the



execution petition to the JD without taking note of Order XXI Rule 22 CPC.

4. Since the order of the executing court is bereft of any reason, the order dated 26.11.2024 is set aside with liberty to the decree holder to file specific application under Order XXI Rule 22 CPC before the executing court. Once such an application is filed, it is expected that executing court will dispose the application expeditiously by passing a speaking order.

5. The petition is accordingly disposed of in terms of the aforesaid order.

RAVINDER DUDEJA, J

DECEMBER 16, 2024/ib