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

+ CM(M) 40/2025

M/S SEWA NAND RAVINDER KUMAR AND

CO. & ANR.

.....Petitioner

Through: Mr. Sushil Kumar, Mr. Harikesh
Anirudhan, Ms. Vidhi Suthar and Ms.
Shivani Verma, Advs.

versus

M/S ADROIT TRADING NUTS PVT. LTD.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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13.01.2025

CM APPL. 1583/2025 (Exemption) & CM APPL. 1584/2025

(Exemption)

Allowed, Subject to all just exceptions.

These applications stand disposed of.

CM(M) 40/2025 & CM APPL. 1585/2025 (Stay)

1. The petition under Article 227 of the Constitution of India impugns the orders dated 02.12.2024, 16.12.2024 and 24.12.2024 passed by the Learned District Judge (Commercial-12), Central District, Tis Hazari, Delhi in Execution (Comm.) No.396/2024, titled as "M/S Adroit Trading Nuts Vs M/S Sewa Nand Ravinder Kumar And Co & Ors" whereby the property bearing shop No.355-356, Katra Hussain Bux, Khari Baoli, Delhi, has been attached on 02.12.2024 with further direction to the Sub-Divisional



Magistrate [‘SDM’] to seal the said property on or before 13.01.2025.

2. The learned counsel submits that in WP(C) No.12931/2021 filed before this Court, the petitioner has been granted interim protection.

3. The High Court directed the receiver appointed by the order of the Ld. CMM to defer taking the physical possession of the properties till 13.12.2021.

4. It is further submitted that the Debt Recovery Tribunal [‘DRT’] has also granted the stay vide order dated 23.12.2021 and the proceedings are still pending before the DRT.

5. It is further submitted that a copy of the High Court’s order was placed before the Trial Court but the Trial Court was of the view that shop No.355-356, Katra Hussain Bux, Khari Baoli, Delhi, was not a part of the properties for which the directions were passed.

6. The Ld. Counsel further submits that Trial Court was not duly apprised that shop No.355-356, Katra Hussain Bux, Khari Baoli, Delhi was in fact part of the properties for which the directions were passed.

7. It is also submitted that the petitioner has since filed an application under Section 47 CPC before the Ld. Trial court which is pending adjudication.

8. At this stage, the learned counsel submits that he may be permitted to press all the contentions before the Trial Court where his application under Section 47 is pending. He seeks permission to withdraw the present petition.

9. The statement so made by the learned counsel for the petitioner is taken on record. He is granted liberty to urge all the contentions before the Ld. Trial Court.

10. In order to curtail the delay, the Ld. Trial Court is directed to dispose



of the application of the petitioner within a period of one month after hearing both the parties.

11. It is made clear that this order is not passed on merits and therefore all rights and contentions of the parties are kept reserved.

12. The petition stands dismissed as withdrawn.

RAVINDER DUDEJA, J

JANUARY 13, 2025/sky