



2025:DHC:817



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 04th February, 2025*+ **C.R.P. 38/2025 & CM APPL. 6993/2025**

RAMESH SHUKLA

.....Petitioner

Through: Mr. Sachin Kumar Verma,
Adv. along with petitioner.

versus

ANURADHA SINGH

.....Respondent

Through: Mr. S. Mansoori and
Mohd. Javed, Advs.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)****CM APPL. 6994/2025** (*exemption from filing certified copy of
the annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 38/2025 & CM APPL. 6993/2025

3. The present petition is filed challenging the order dated 24.01.2025 ('**impugned order**') passed by the learned District Judge, Karkardooma Courts, Delhi, whereby the application filed by the petitioner for early hearing was rejected.
4. By judgment and decree dated 05.08.2024 passed by learned Civil Judge-cum-Rent Controller, Karkardooma Courts, Delhi, in the Civil Suit bearing No.9627/2016 filed by the respondent / plaintiff, the following reliefs were granted:

Signature Not Verified

Signed By: HARMINDER KAUR
Signing Date: 11.02.2025
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- *A decree for possession of the suit property is passed in favour of the plaintiff and against the defendant thereby directing the defendant to hand over peaceful vacant possession of the demised premises to the plaintiff within a month of passing of this order.*
- *Defendant is directed to pay arrears of rent @₹6,000/- per month from 12.09.2015 to 20.07.2016 i.e. for ten months to the plaintiff.*
- *Mesne profits @ ₹6,000/- per month from 21.07.2016 till the month of handing over the possession of suit property are also awarded in favour of the plaintiff and against the defendant;*
- *Interest @6% per annum since the date the mesne profits became due till date of their realization is awarded in favour of the plaintiff and against the defendant.*
- *The defendant is permanently restrained from sub-letting the suit property and he is also permanently restrained from alienating or creating third party interest of any kind in the suit property.*
- *The cost of the suit is also awarded in favour of the plaintiff and against the defendant. ”*

5. The petitioner challenged the judgment and decree dated 05.08.2024 before the learned District Judge, Karkardooma Courts, Delhi, in Appeal bearing No. RCA/DJ/37/2024. The matter was kept on 27.02.2025 for disposal of the appeal /



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application for stay. It is apparent that the Appellate Court did not grant any stay in the meantime and the respondent filed an application for execution of the decree.

6. The Executing Court issued warrants of possession with respect to the suit property which were made returnable on 07.04.2025. The Executing Court also listed the matter for 04.03.2025 for considering appointment of Bailiff.

7. The Executing Court noted that the date has been fixed keeping in mind the request of counsel for the petitioner / Judgment Debtor that he will seek appropriate relief from the Appellate Court. The same led the petitioner to file an application for early hearing.

8. The application was dismissed by the impugned order noting that the matter is already fixed for arguments on 27.02.2025.

9. I find no infirmity in the impugned order. Concededly, the matter is now listed before the learned Appellate Court on 27.02.2025 and any precipitating order that the petitioner may be apprehending by the Executing Court would be passed after the said date. The learned Appellate Court, after considering the arguments advanced by the parties, would pass an appropriate order, the outcome of which cannot be presumed at this stage.

10. On being pointedly asked, it is informed that despite the decree being passed, neither has the petitioner paid any arrears of rent nor has been paying any amount for continuing use of the property.



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11. The suit seeking possession was filed way back in the year 2016. The learned Trial Court noted that the petitioner / defendant had, in fact, admitted the tenancy or at least the relationship of landlord – tenant. The petitioner has not claimed to be the owner of the property pursuant to which he can claim any right to continue in the possession. Concededly, no amount for usages of the property has been paid since 12.09.2015.

12. The present petition is nothing but an attempt to delay the proceedings and is an abuse of the process of law.

13. The petition is frivolous and is, therefore, dismissed.

14. Pending application also stands disposed of.

AMIT MAHAJAN, J

FEBRUARY 4, 2025

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