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

+ **CM(M) 317/2025**

MR RAJESH KUMAR SINGH

.....Petitioner

Through: Mr. Anish Shrestha and Mr. Firoz
Khan, Advocates.

versus

VIPIN PANWAR & ANR.

.....Respondents

Through: Mr. Vaibhav Kush and Mr. Ayush,
Advocates for R-1 and 2.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **17.02.2025**

CM APPL. 9339/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 317/2025 & CM APPL. 9338/2025 (stay)

1. This is a petition under Article 227 of the Constitution of India impugning the order dated 29.01.2025, passed by learned District Judge in Execution No. 109/2024 in Suit No. 5/2023 titled as, "Mr. Vipin Panwar & Anr. Vs. Mr. Tarun Kumar Singh & Anr.".
2. The factual background is that the respondents filed a suit for recovery of possession and recovery of arrears of rent, damages/mesne profits and permanent injunction against the petitioner herein.
3. Petitioner was proceeded ex parte and ex parte decree dated 26.02.2024 was passed by the trial Court.



4. Respondents, thereafter, filed execution application for enforcement of decree in which following order has been passed by the learned trial Court on 29.01.2025:-

“ An application U/o 9 rule 13 has been moved on behalf of JD. Copy supplied. It be separately registered and tagged with the main suit file.

Issue fresh warrant of possession of the property bearing no. 258F, Second Floor, Pocket-1, LIG DDA Flats, Mayur Vihar I, Delhi-110091 against the JD on filing of PF alongwith any other document as required.

To appear before Ld. ACJ for appointment of Bailiff on 06.02.2025.

Put up for before this Court on 11.03.2025.

In case of any obstruction by the JD or any other person on his behalf, bailiff is directed to take necessary action as per law and take assistance of the SHO concerned. Possession may be taken by breaking open the lock and assistance of lady police official may be taken, if required.

Further, the bailiff is directed to go to the premises three times and file separate report for each visit.”

5. Learned counsel for petitioner submits that petitioner has filed an application under Order XXI Rule 29 CPC for stay of execution but the learned trial Court has not granted any stay.

6. The impugned order is silent about filing of any such application.

7. Learned counsel for petitioner submits that the stay application is pending but has not been considered by the learned Execution Court while passing order dated 29.01.2025.

8. At this stage, learned counsel seeks permission to withdraw the present petition, however, praying that direction be issued to the learned Execution Court to dispose of the application under Order XXI Rule 29 CPC.

9. The statement made by learned counsel for petition is taken on record



and petition is dismissed as withdrawn with direction to the learned Execution Court to dispose of the application under Order XXI Rule 29 CPC, stated to be pending, as expeditiously as possible.

10. A copy of this order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J

FEBRUARY 17, 2025/vd /ia