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

% ***Date of Decision: 21st April, 2025***

+ **CM(M) 711/2025 & CM APPL. 22919-22920/2025**

**SHRI NARESH GARG THROUGH ITS GP A SHRI NAVEEN
GUPTA**

.....Petitioner

Through: **Mr. Shiv Charan Garg with Mr. Imran
Khan, Advocates.**

versus

CHOTTEY LAL PANDEY THROUGH LRS

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein had filed a civil suit seeking possession and arrears of rent etc.
2. On the basis of the admission made by the defendant, decree was passed with respect to the possession. Such decree was challenged by the concerned defendant by filing an appeal (RCA No. 26/25) which is pending adjudication before the concerned learned District Judge and is now fixed for tomorrow.
3. Mr. Shiv Charan Garg, learned counsel for petitioner/Decree-Holder



submits that he had already lodged a Caveat and had received intimation regarding the filing of the appeal but when the abovesaid appeal was taken up by the learned First Appellate Court on 14.02.2025, mere notice was issued for 22.04.2025.

4. He submits that the appellant in a very smart manner, moved an application in the interregnum, seeking stay of the execution in question and while entertaining his such request, the learned First Appellate Court, without giving any opportunity of hearing to him, has stayed the Execution Petition.

5. It is in the abovesaid backdrop that the order dated 06.03.2025 has been challenged.

6. Though, the contention made by the petitioner herein is found to be having some substance, since such appeal is coming up for further hearing before the learned First Appellate Court tomorrow itself, Mr. Garg, on instructions, submits that he does not, at the moment, challenge the impugned order dated 06.03.2025.

7. He, however, submits that the learned First Appellate Court may be requested to hear him on such stay application and, thereafter, to pass any further order, in accordance with law.

8. In view of the above, without prejudice to the rights and contentions of the petitioner herein, the present petition is disposed of as not pressed.

9. Needless to say, learned First Appellate Court would ensure that the requisite hearing is given to the respondent/decreed holder before passing any further order with respect to stay of Execution Petition.



10. Petition stands disposed of in aforesaid terms.
11. The pending applications also stand disposed of in aforesaid terms.
12. A copy of this order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

APRIL 21, 2025/sw/SS