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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1652/2025 & CM APPL. 53939/2025**
SURINDER SETHIPetitioner

Through: Mr. Shubham Budhiraja with Ms.
Ishita Pandey, Mr. Shubham Prateek,
Mr. Shivang Singhal, Advocates.

versus

GULSHAN VERMARespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **28.08.2025**

1. Petitioner is decree holder before the learned Executing Court and the sole grievance in the present petition is to the effect that for no fault of the decree-holder, he has been burdened with cost of Rs. 7,000/-.
2. It is submitted that besides the fact that the decree-holder was unwell, learned Executing Court did not consider that the concerned Bailiff never tried to contact decree holder or his counsel and, therefore, the decree-holder was never aware about the arrival of the Bailiff at the spot, for the purposes of execution of the decree in question.
3. He also submits that, even otherwise, as per the previous order, there was no mandate for decree-holder to have remained present at the spot at the time of execution.
4. Keeping in mind the overall facts of the case, the present petition is disposed of with request to learned Executing Court to reconsider the

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application of the decree-holder whereby he is seeking waiver of cost. Let such decision be without being influenced by previous order dated 04.08.2025.

5. Simultaneously, even if the cost remains unpaid, learned Executing Court would proceed further with the Execution Petition, primarily, for the reason that the decree is for a sum of Rs. 11,83,901/- and not even a single penny has yet come to the decree-holder and, the judgment-debtor has yet not, as apprise, filed any appeal against the decree in question.

6. Petition stands disposed of in aforesaid terms.

7. Pending application also stands disposed of in aforesaid terms.

8. Order be given *dasti* under the signatures of the Court Master.

MANOJ JAIN, J

AUGUST 28, 2025/sw/JS



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