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

+ **EX.F.A. 52/2025, CM APPL. 67884/2025-Stay**

SURENDER PAL

.....Appellant

Through: Mr. Amit Singh Tanwar, Adv.

versus

DEVENDER

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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04.11.2025

1. By virtue of the present appeal, the appellant/ judgement debtor seeks to challenge the order dated 18.07.2025 (***impugned order***) passed by the learned JSCC/ASCJ/Guardian Judge, North East District, Karkardooma Courts, Delhi (***learned Executing Court***) while deciding the objection petition of the appellant in Execution Petition No.202/2023 filed by the respondent/ decree holder.

2. *Prima facie*, it is the case of the appellant that though the appellant had categorically asserted before the learned Executing Court that the basement of the premises bearing no.B-2 & B-3, B Block, Gokalpuri Delhi-110 094 had already been filled with sand/ *malba*/ waste building material way back in the year 2019-20, and the same had been converted into a ground floor with the consent of the respondent, the said circumstances were not adverted to/ considered by the learned Executing Court in the impugned order.

3. Learned counsel for the appellant further submits that, in fact, a



bailiff was subsequently appointed by the learned Executing Court, who visited the aforesaid premises and filed his report dated 20.09.2025. He submits that the aforesaid assertion of the appellant has been confirmed as it is clearly established therefrom that the Bailiff was not able to enter the basement of the aforesaid premises since there was no basement existing.

4. He, lastly, after handing a copy of the order dated 31.10.2025 passed by the learned Executing Court (which is taken on record), submits that as recorded therein a fresh order has been passed and the Bailiff has once again been appointed.

5. As such, he seeks to withdraw the present appeal with liberty to file fresh objections on the aforesaid grounds before the learned Executing Court incorporating the aforesaid facts within a period of one week.

6. Needless to say, the learned Executing Court shall endeavour to dispose of the said fresh objections of the appellant after hearing the parties on merits at the earliest, preferably within a period of four weeks, during this time, no unnecessary adjournment shall be granted to either of the parties.

7. In the meanwhile, let no precipitated measures be taken in furtherance of the order dated 31.10.2025 till the outcome of aforesaid fresh objections of the appellant.

8. In view thereof, learned counsel for the appellant seeks to withdraw the present appeal, alongwith the pending application.

9. Heard. Allowed.

10. Accordingly, the present appeal is disposed of.

SAURABH BANERJEE, J.

NOVEMBER 04, 2025/bh