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

+ **CM(M) 2409/2025, CM APPL. 78305/2025 & 78306/2025**

SANJAY KUMAR & ORS.

.....Petitioners

Through: Mr. Raghav Parwatiyar, Mr.
Himanshu Singh and Ms. Sikha
Walia, Advocates

versus

KRISHAN PAL SHARMA

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

11.12.2025

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1. Petitioners/Judgement Debtors have assailed order dated 10.10.2025 of the learned execution court, whereby warrants of arrest were ordered against the Judgement Debtors in the course of execution proceedings.
2. Learned counsel for petitioners/Judgement Debtors submits that before the execution court the arguing counsel for petitioners/Judgement Debtors was present and even addressed arguments but those arguments and presence of the counsel have not been recorded in the impugned order. It is also contended by learned counsel that so far as inquiry under Order XXI Rule 40 CPC is concerned, the same may continue, but as regards interim detention ordered vide Order XXI Rule 40(2) CPC, the same may not even be practically feasible because the provision contemplates the detention of custody of officer of the Court.



3. After addressing partly, learned counsel for petitioners/Judgement Debtors, on instructions, seeks permission to withdraw this petition with liberty to file appropriate application before learned execution court.
4. As requested, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought.
5. However, it is directed that solely for the purposes of enabling the petitioners/Judgement Debtors to file appropriate application before the execution court, the warrants of arrest be not executed against them for two days. It is made clear that this protection from arrest is being allowed only to ensure that they are able to move appropriate application before the execution court and the application, if moved, shall be decided by the execution court without getting influenced with this protection.
6. As requested, *dasti* copy of this order under signatures of Court Master given to counsel immediately.

GIRISH KATHPALIA, J

DECEMBER 11, 2025/as