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

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Date of Decision: 18.12.2025

+ CM(M) 2446/2025 & CM APPL. 79994/2025

RAJESH GUPTA

.....Petitioner

Through: Mr. Ramesh Kumar and Mr. Dhrona
Diwan, Advocates.

versus

ASHA & ANR.

.....Respondents

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

1. Petitioner has assailed order dated 28.11.2025 of the learned execution court, whereby the learned execution court deferred the execution of the eviction order despite there being no stay. It is contended by learned counsel for petitioner/decreed holder that the subject eviction order was dated 24.04.2025, so no notice of execution was required to be issued. That being so, there is no need to issue notice of this petition also.

2. Learned counsel for petitioner/decreed holder has taken me through the impugned order, from which it appears that issuance of warrants of possession was deferred by the learned execution court, simply because the

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judgment debtor had filed an application seeking review of the eviction order. It is contended on behalf of petitioner/decreed holder that an eviction order is not even amenable to review jurisdiction before a Rent Controller. Despite there being no stay on execution proceedings from any court, the learned Rent Controller deferred the execution proceedings, taking a view that if the execution proceedings are initiated, the review application would become infructuous.

3. It is also informed by learned counsel that the execution proceedings are being carried out by the same court which passed the eviction order and before whom the review application was filed. As also reflected from the impugned order, the learned trial and execution court despite being the same, found it not fit to pass specific order in the review application, staying the execution.

4. It has been repeatedly directed in various judicial pronouncements that unless there is an explicit order of stay on operation of a judgment and decree, the execution must not be deferred.

5. In view of the aforesaid, I am unable to uphold the impugned order, so the same is set aside. The petition is allowed with the directions to the learned execution court to expedite the disposal of the execution proceedings and dispose of the same as soon as possible, but preferably within three months from today. Pending application stands disposed of.



2025:DHC:11571



6. For compliance, copy of this order be sent to the learned execution court forthwith.

**GIRISH
KATHPALIA**

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**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 18, 2025/dr

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