



2026:DHC:2305



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 19th March, 2026

+ CM(M) 440/2026, CM APPL. 13078/2026 & CM APPL. 15822/2026
CHADRESH KUMAR GUPTA AND ANR.Petitioners
Through: Mr. Manish Pratap Singh, Ms. Priya
Sachar and Mr. Ajay Singh, Advs.

versus

M/S KLA CONSTRUCTION TECHNOLOGIES PVT LTD
.....Respondent
Through: Mr. Kartikay Mathur and Mr. Ratnesh
Srivastava, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950 seeking the following reliefs:

“A. Issue appropriate order/direction for setting aside order dated 08.01.2026 in Execution (Comm.) No. 91 of 2024 passed by the Court of Mr. Deepak Garg, District Judge, Commercial Court-9, Central District, Tis Hazari Court, Delhi; and

B) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the respondent/DH appears on advance notice and accepts notice.



4. Heard. Record perused.
5. The relevant portion of the impugned order dated 08th January, 2026, reads as under:

“Further an application moved on behalf of DH U/O XXI, Rule 37 r/w Section 151 CPC for seeking civil imprisonment of the Directors of the JD company is also pending disposal.

In spite of notice, no reply to this application has been filed on behalf of JD till date. It appears that JD has nothing to say on this application.

Proxy counsel for the JD seeks some more time. In my view, there is no ground for the same.

*The JD has been blatantly disobeying the directions of the court despite repeatedly indulgence granted to it. The law in this regard has already been settled, not only by way of statute U/O XXI Rule 41(3) CPC but also by the judgment of Hon'ble High Court in **Bhandari Engineering & Builders Pvt. Ltd. Vs. Maharia Raj Joint Venture and Ors. MANU/DE/1497/2020**. The court cannot become a mute spectator where the JD is not only abusing the process of law but also depriving the DH from ripening fruits of legally contested decree which has become a dead nail as no appeal has been preferred. The court is left with no option but to order of detention of JD for civil Imprisonment in accordance with order XXI Rule 41(3) CPC as the Hon'ble Apex court has repeatedly emphasized that the execution proceedings must be disposed of at the earliest.*

Accordingly, issue Warrants of Arrest of Mr. Karun Gupta and Mr. Chandresh Kumar Gupta, who are stated to be the Directors of the JD company to commit them for Civil Imprisonment on filing of PF and requisite subsistence allowance for a period of one month. The order of detention shall continue for a period of one month from the date of such detention. Order accordingly.”

6. Learned counsel for the petitioners submits that if granted an opportunity, the petitioners shall file their reply to application under Order



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XXI Rule 37 read with Section 151 of Code of Civil Procedure, 1908 (*CPC*), within a period of two weeks' from today and shall place all their contentions before the Execution Court.

7. Keeping in view the facts and circumstances of the case, this Court is of the opinion that it is in the interest of justice that one more opportunity be granted to the petitioners to file their reply. Accordingly, the petitioners are directed to file their reply within a period of two weeks' from today before the Execution Court. Thereafter, the application filed by the respondent/decreed-holder under Order XXI Rule 37 read with Section 151 CPC shall be considered afresh by the Execution Court after taking into consideration all the rights and contentions of the parties. Accordingly, the impugned order passed on the application under Order XXI Rule 37 read with Section 151 CPC is set aside.

8. The petition is disposed of in the above-stated terms. All rights and contentions of the parties are left open to be decided by the Execution Court. Pending application(s), if any, also stands disposed of.

RAJNEESH KUMAR GUPTA, J

MARCH 19, 2026/sds/ik