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

\# **CNR No. DLHC010286032026**

\+ EX.F.A. 51/2026, CM APPL. 41659/2026 (Stay) & CM APPL. 41660/2026 (Delay of 28 days in filing the appeal)

MONICA GUPTA .....Appellant

Through: Mrs. Archana Sharma and Mr. Abhishek Singh Parmar, Advs.

versus

SAFEWAY ENTERPRISES PRIVATE LTD

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% 06.10.2026

1. The present Execution First Appeal has been filed under Order XXI Rule 58 of the Code of Civil Procedure, 1908, seeking the following reliefs:

> "1. Whereas the Special Leave Petition filed by Smt. Madhulika Gupta (SLP Diary No. 36982/2024) was dismissed in limine on 14.10.2024, which dismissal does not bind the Petitioner as she was not a party thereto (*Kunhayammed v. State of Kerala*, (2000) 6 SCC 359);
>
> 2. Whereas in subsequent contempt hearings against the Judgment Debtor Smt. Madhulika Gupta in Contempt(Civil) No. 813/2025), the Hon'ble Supreme Court on 20.03.2026 refused to bind the Petitioner to the eviction decree against Smt. Madhulika Gupta, observing that it would be "unfair" to do so, and sought no undertaking to vacate the suit premises from the Petitioner, who was present in the Supreme Court hearings on 16.3.2026 and 20.3.2026 as an Intervenor, and as the Hon'ble Supreme Court has left the Petitioner's rights in the suit property wholly untouched ;
>
> (i) In view of the aforesaid, it is most respectfully prayed that

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pending final disposal of the present Appeal, the execution of the eviction decree dated 19.11.2022 passed by the Learned Rent Controller (Deepak Vats) in RC ARC No. 52/2020, as affirmed by the Hon'ble High Court in RC Rev No. 99/2023, **qua the Petitioner be stayed and an ad-interim injunction be granted**;

(ii) As **ad-interim relief**, direct the Respondent not to dispossess the Petitioner from the property bearing No. 26, Jor Bagh, New Delhi – 110003 and to maintain status quo, pending final disposal of the present Appeal ;

(iii) **As ad-interim relief, direct the Respondents not to take any coercive steps against the Petitioner in Execution No. 156/2024 pending final disposal of the present Appeal including appointment of a bailiff; That a bailiff may be appointed on 7.7.2026 against the Appellant's possession of the suit premises, vide the Impugned Order dated 1.7.2026 in Ex 156/2024 in South East Saket Courts .**

That this operation of a bailiff be immediately stayed to avoid any dispossession against the preference of the Hon'ble Supreme Court to not bind the Appellant to the said eviction decree to which she had not been a party ;

(iv) Stay the operation of the Ld. ACJ-CUM-CCJ-CUM-ARC, South East Saket Court's order in Ex 156/2024 dated 07.03.2026 insofar as it imposes a cost of ₹70,000 on the Petitioner, **pending final disposal** of the present Appeal;

(v) **As final relief**, quash the order dated 07.03.2026 passed by the Ld. ACJ-CUM-CCJ-CUM-ARC, South East Saket Courts in Execution No. 156/2024, insofar as they relate to the Petitioner;

(vi) As **final relief**, direct the Respondents not to execute the eviction decree against the Petitioner and not to dispossess her from the suit property;

(vii) Direct the Respondents to pay the costs of this petition;

(viii) Quash the separate penalty of Rs. 70,000/- imposed upon the

Petitioner in the order dated 7.3.2026 in Ex 156/2024 , who as a directly affected party and Class-1 legal heir of Shri Bhim Sen Gupta, a beneficial owner of the suit premises, was not impleaded on false grounds and was entitled to file an Objections Application under Section 47 read with Order XXI Rule 97 CPC as such;

(ix) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interests of justice."

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2. Learned counsel appearing for the Petitioner, on instructions, seeks leave of this Court to withdraw the present Appeal.

3. Leave, as sought for, is granted.

4. Accordingly, the present Appeal alongwith all pending application(s), if any, stands dismissed as withdrawn.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 6, 2026/ν/jk

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