

Ex. No. 26/2024 Phool Kumar Vs. Rajat Tyagi

15.12.2025

Present: Ms. Prerna Guglani Ld. Counsel for the DH.
Mr. Amar Nath, Ld. Proxy Counsel for Mr. Rakesh
Chandra Aggarwal, Ld. Counsel for the JD who is
appearing through VC.

It is noted that on 13.12.2025, an application has been filed on behalf of the JD under Order XVII Rule 1 r/w Section 141 & 151 CPC for adjournment. Copy already supplied.

Heard on aforesaid application. Case file perused.

It is stated in the aforesaid application that JD approached Hon'ble High Court on 11.12.2025, with two applications i.e. one under Section 141 & 151 CPC for seeking extension of time to make the payment as per order dated 19.05.2025 and another application under Section 141 & 151 CPC for stay of the execution proceedings. The said applications are coming for hearing today itself. Accordingly, adjournment prayed by moving the aforesaid application.

Today, matter is fixed for hearing on application of JD, which he has filed under Order XXI Rule 58 & 59 r/w section 141 & 151 CPC for dismissing the execution proceedings and another application under Section 8(2) of Arbitration and Conciliation Act, r/w Section 151 CPC for exemption for producing original agreement before this court.

The present execution petition filed on 13.02.2024 and the same has not been satisfied for one or another reason, hence, I find

no reason to adjourn the matter further. Accordingly, the JD's aforesaid application for adjournment is dismissed.

I have heard the submissions of Ld. Counsel for the parties on application of JD under Order XXI Rule 58 & 59 r/w section 141 & 151 CPC for dismissing the execution proceedings and another application under Section 8(2) of Arbitration and Conciliation Act, r/w Section 151 CPC for exemption for producing original agreement before this court.

Be put up for orders in post lunch session.

(Ravinder Singh - I)
District Judge-03/East District,
KKD Courts, Delhi/15.12.2025/j

In Post lunch session.

Present: None for the DH.
Mr. R.C. Aggarwal, Ld. Counsel for the JD through VC.

Ld. Counsel for the JD submits that JD's application before the Hon'ble High Court could not reach and now same is coming for hearing on 17.12.2025, so the matter be adjourned for arguments.

Record reveals that there is no stay of the present execution by the Hon'ble High Court and application for adjournment of the JD has already been dismissed, so I have taken the applications of JD for disposal.

Admittedly, plaintiff filed the suit for possession of property and permanent injunction against the JD/applicant, which was decreed vide order dated 11.09.2023.

Defendant filed the written statement in the suit wherein he has not pleaded anything about arbitration agreement dated 20.08.2019, which he pleaded in the present application.

Ld. Predecessor vide order dated 13.05.2025 issued warrants of possession against the JD. The applicant/JD has challenged the said order before Hon'ble High Court wherein Hon'ble High Court observed in as under:

Simultaneously, since the petitioner is desirous of making the entire payment of the balance decretal amount on or before 08.07.2025, he seeks liberty to move appropriate application in this regard before the learned Executing Court, tomorrow itself.

Petitioner is given liberty to move any such application by tomorrow. If any such application is moved, the learned Trial Court, after taking response from the concerned Decree Holder, shall dispose of the same, in accordance with law.

The petition is, accordingly, disposed of as not pressed with abovesaid liberty.

Pending applications, also stand disposed of.

It is pertinent that JD on one hand prayed for dismissal of the execution petition and on the other side he stated that he has filed an application before Hon'ble Hgh Court for extension of time for making payment in terms of order of Hon'ble High Court of Delhi dated 19.05.2025.

In view of above, I find no merits in the application of JD under Order XXI Rule 58 & 59 r/w section 141 & 151 CPC for dismissing the execution proceedings, accordingly, same is dismissed. Application under Order 8 (2) of Arbitration and Conciliation proceedings is also dismissed and disposed as such.

In the above circumstances, issue warrant of possession of the immovable property in question i.e. Shop No.1, bearing plot No.1, measuring area 8.4 ft x 18.5 ft = 155.4 ft. and shop No.2 bearing shop

pvt. No.2 measuring 8 ft x 9.5 ft =76 sq. ft. i.e. total area measuring 24.48 sq. mtrs., on ground floor without roof rights, up to ceiling level only, fitted with iron shutter and elect sub meter, part of property bearing No. WA-51, out of khasra No.264, situated in the area of village Shakarpur Khas, abadi of main market, Shakarpur, Illaqa Shahdara, Delhi-92 on filing of PF.

Endorsement be made on the warrants that possession be obtained even if the two shops do not have a partition wall.

Endorsement be also made on the warrants that in case the premises is found locked, locks be broken and an inventory be drawn of the articles found therein, which be released to the decree holder on superdari.

The concerned SHO is directed to render all assistance for execution of warrants.

Copy of this order be given dasti to Ld. Counsel for the decree holder so that it can be brought to the notice of concerned SHO for compliance.

DH to appear before Ld. ACJ for appointment of bailiff on 12.01.2026 and for report before this Court on 30.01.2026

(Ravinder Singh - I)
District Judge-03/East District,
KKD Courts, Delhi/15.12.2025/j