

SMT VIMLEH TOMAR Vs. SH. MAHESH SHARMA

28.03.2026

Present : Sh. Suresh Kumar, Ld. counsel for the DH.
Sh. Pradyuman Singh, Ld. counsel for the JD along with JD.

An application (IA No. 1/26) under Order XXI Rule 26 read with Section 151 of the CPC has been filed on behalf of the Judgment Debtor (JD), along with vakalatnama, seeking stay of the execution proceedings.

Learned counsel for the JD submits that an appeal is pending before the Hon'ble High Court and further submits that there is no stay operating against the proceedings of the present case.

Mere pendency of an appeal is not a ground to stay execution proceedings.

In view of the above, **the said application (IA No. 1/26) is hereby dismissed. The application stands disposed of.**

Learned counsel for the Decree Holder submits that, on the last date of hearing, warrants of attachment were issued but could not be executed as the JD obstructed the execution. He seeks issuance of fresh warrants of attachment with police assistance, including lady police, and permission for breaking open the lock, if required.

At his request, let fresh warrants of attachment of legally attachable movable properties of the JD (including breaking open locks, if necessary) be issued, subject to filing of a list of movable properties along with process fee, with police assistance (including lady police). The concerned SHO is directed to ensure execution of the warrants.

Learned counsel for the DH is directed to file the latest statement of the outstanding amount.

The DH shall appear before the learned ACJ (East), Karkardooma Courts, Delhi, for appointment of a bailiff on **10.04.2026 at 2:00 PM**.

Put up for report of warrants on **08.05.2026**. The DH shall also file an affidavit, along with process fee, affirming that no stay has been granted by any higher court in respect of the present execution proceedings.

(Vikas Garg)
DJ-05/East/KKD
Delhi/28.03.2026