

EX. 156/23  
GAURAV MEHTA Vs. PANKAJ PAHUJA

09.04.2025

Present: Shri Arjun Yadav, Id. Counsel for DH through VC.

Ld. Counsel for JD submits that there is an application u/o 21 rule 26 r/w section 151 CPC pending for adjudication.

Arguments heard.

**Order on IA u/o 21 rule 26 r/w section 151 CPC.**

It is submitted that warrant of attachment was issued of Creta Car of JD in of judgment and decree dated 11.04.2023 and DH informed JD that on 21.03.2024 the possession of his Creta car will be taken from him. It is further submitted that admittedly both the Decree holder and JD were into some financial transactions and JD had kept the blank signed cheques with DH for security purpose. It is further submitted that JD has already returned the entire amount which was legally due towards the DH. The said amount was transferred into the bank account of sister of DH, as per the instructions of DH. It is further submitted that JD had received the summons from the court and he immediately confronted the decree holder about the said summons to which decree holder informed the JD that the said civil suit has been filed inadvertently by him and further assured him that on the next date of hearing the said suit will be withdrawn, as entire money was already been repaid by the JD. DH has obtained the judgment and decree dated 11.04.2023 and warrant of attachment against the JD by playing fraud. The present application is bona fide and made in the interest of justice. It is therefore requested to grant the interim stay of operation of warrant of attachment issued against the JD and stay of present execution till pendency of present application.

Reply to the application has not been filed by the DH, however, ld. Counsel for DH submits that he will straightaway argue on the same. Ld. Counsel for DH has vehemently opposed the present application and submitted that present application is not maintainable. Ld. Counsel further submits that since judgment and decree has been passed in favour of DH, he is liable to recover the decretal amount from JD. Hence, it is prayed that stay of warrant of attachment as well as present execution may not be granted.

Heard. Record is perused and considered.

Perusal of record shows that judgment and decree dated 11.04.2023 has been passed in favour of DH/plaintiff and as per said judgment and decree, JD is liable to pay the decretal amount to the DH. It is pertinent to mention here that the said judgment and decree has been passed on 11.04.2023 and there is no appeal against the said judgment and decree so far. It is further pertinent to mention here that if the JD has any grievance against the said judgment and decree, he has to file an appeal before the Hon'ble High Court of Delhi. It is further pertinent to mention here that about 2 years have been passed since the date of passing the said judgment and decree dated 11.04.2023 and JD has not paid any single penny to DH. It is further pertinent to mention here that this court is the executing court and has no power to go beyond the judgment and decree dated 11.04.2023. Hence, there is no merit in the submissions of the application filed by JD and same stands dismissed.

Put up for further proceedings on 08.05.2025.

(Pooja Jain)  
District Judge-03/NB  
East/KKD Courts/Delhi  
09.04.2025