

Pr. Ms. Sonali Arora, Advocate for decree holder.
Sh. Anuj Soni, Advocate for judgment debtor.

Ld. Counsel for judgment debtor has filed objections submitting that decree holder has himself challenged the order of deposit of 35% of the decretal amount and that said order has been stayed by Hon'ble High Court of Delhi. Further, it is submitted that the judgment debtor had filed a criminal complaint before Ld. JMFC, PS Farsh Bazar against the decree holder for manipulating or forgery of pronote.

I have considered the rival submissions. Pendency of a criminal complaint cannot be a ground for stay of the present execution petition. So far as order of Hon'ble High Court in RFA No. 123/2024 is concerned, there is no stay of the execution petition. In order dated 11.02.2025, Hon'ble High Court of Delhi in CM(M) No. 4225/2024 has deprecated the Executing Court for staying the execution. In these circumstances, the execution petition has to be proceeded with. Hence these objections are hereby dismissed.

On last date i.e. 09.05.2025, the bank draft no. 029474 dated 19.11.2024 drawn on Jain Cooperative Bank Ltd., Raghubar Pura-2, Gandhi Nagar, Delhi-110031, in the name of decree holder Lalit Kumar was released to the judgment debtor for renewal with the direction to get fresh FDR in the name of Principal District Judge and deposit it before this Court. This direction has also not been complied with.

The decree holder has already filed an application for attaching the properties of judgment debtor.

Issue attachment warrants attaching the bank accounts and movable properties of judgment debtor on filing of PF and list of properties. Decree holder to appear before Ld. ACJ on 04.06.2025. Be listed before this Court on 09.07.2025.

(Vinod Kumar)
Principal District Judge,
East District, KKD Courts, Delhi/28.05.2025

(At 2.30 p.m.)
Pr.: JD with Sh. Anuj Soni, Advocate.

File is taken up on the application of judgment debtor. Judgment debtor has also filed a pay order in the sum of Rs.1,92,500/- in the name of this Court. Let the pay order/DD be deposited and it be converted into FDR. District Nazir is directed to get the pay order/DD converted into an FDR in the name of this Court from the bank concerned and deposit the same in the Court. This FDR shall be made for a period of six months with auto renewal instruction.

Judgment debtor has also moved an application for cancellation of warrant of attachment. Issue notice of the application to decree holder for 02.06.2025 on filing of PF and copies as well as through all modes.

Be listed for 02.06.2025.

(Vinod Kumar)
Principal District Judge,
East District, KKD Courts, Delhi/28.05.2025