

**EX 11/23**

**SACHIN CHAUHAN Vs. MANAGEMENT OF ASHOK HOTEL**

**16.12.2023**

Present: DH along with Sh. Murari Lal Sharma.  
Sh. Nitin Gautam, Ld proxy counsel for the JD.

Objections on behalf of the JD are filed. Copy supplied to the DH. The objections are taken up for consideration.

All the grounds taken in the objections are to show that the order of which execution has been sought is erroneous. It is a settled law that the executing court cannot go behind the decree. This court cannot sit in appeal against the order/award of which execution has been sought.

Ld proxy counsel for the JD has disclosed that a petition is already pending before the Hon'ble High Court, which was filed by the JD to assail the decree/award. He has conceded that there is no stay on the operation of the decree/award of which execution has been sought.

Since there is no stay, this court ought to proceed further with execution proceedings. The objections are dismissed.

The application of the DH u/O 21 Rule 46 CPC is disposed of with the direction that on filing of process fees by the DH, warrants of attachment of the bank account of the JD be issued for recovery of the decretal amount.

To come up on 02.02.2024.

**(Shirish Aggarwal)**  
**Additional District Judge-03**  
**Patiala House Courts, New Delhi**  
**16.12.2023**