

EX 56/26
AZAD Vs. MCD

01.04.2026

Present: Sh. Aman Kumar Singh, Ld Counsel for DH.
Sh. Aditya Goel, Ld Counsel for the MCD. (appearing
through VC)

At this stage, Ld. Counsel for the JD/MCD submits that he has been recently engaged in the present matter and, therefore, seeks time to place his vakalatnama on record. He undertakes to file the same on or before the next date of hearing. Let the same be filed as undertaken.

At this stage, the Civil Nazir report is perused. It is reported that a banker's cheque bearing No. 143298 dated 03.03.2026, drawn on State Bank of India, Chandni Chowk Branch, Delhi, for a sum of Rs. 30,59,831/-, has been received on 06.03.2026 and the same has been placed on the judicial record.

Upon instructions, Ld. Counsel for the Decree Holder submits that the aforesaid amount satisfies the decretal liability in entirety. He further prays that the banker's cheque be released in his favour and that he be permitted to withdraw the present execution petition as having been fully satisfied.

Let the statement of Ld. Counsel for the Decree Holder in this regard be recorded separately.

Perusal of the record further reveals that an application

under Section 82 CPC was filed on behalf of the JD/MCD on 07.03.2026, seeking dismissal of the present execution proceedings on the ground that the same were premature and in violation of Section 82 CPC, which provides that no execution shall be issued against the Government unless the decree or order remains unsatisfied for a period of three months from the date thereof.

It is, however, noted that the present execution proceedings arise out of the order dated 24.12.2025 passed by the Ld. Labour Court. As on date, more than three months have elapsed from the date of the said order. Consequently, the very basis of the application under Section 82 CPC no longer survives, and the said application has been rendered infructuous.

At this stage, Ld. Counsel for the JD/MCD seeks time to advance arguments on the said application. However, in view of the aforesaid position, this Court is of the considered opinion that no useful purpose would be served in granting further opportunity, as the cause for filing the application itself has ceased to exist. Accordingly, the request for adjournment is declined, and the application under Section 82 CPC stands disposed of as having become infructuous.

Further, in view of the statement made by Ld. Counsel for the Decree Holder and there being no claim or objection on behalf of the JD/MCD regarding any adjustment or prior payment towards the decretal amount, the banker's cheque be

released to Ld. Counsel for the Decree Holder in accordance with rules.

Accordingly, the decretal amount having been satisfied, the present execution petition stands disposed of as fully satisfied.

File be consigned to the record room.

(NEERAJ SHARMA)
District Judge-04(Central)
Tis Hazari Courts Delhi
01.04.2026