

14 EX 56/26
AZAD Vs. MCD

07.03.2026

Present: Sh. Aman Kumar, Ld. counsel for the DH.
Ms. Neetu, Ld. counsel for the JD / MCD (appearing through VC) alongwith Sh. Ashok Kumar, ASO, DEMS, Sahadara North, MCD.

Report of Civil Nazir perused. As per report, a banker's cheque bearing no.142398 dated 03.03.2026 drawn on State Bank of India, Chandni Chowk Branch, Delhi for the sum of Rs.30,59,821/- has been received on 06.03.2026 and the same has been kept on judicial record.

At this stage, upon instructions, it is submitted by Ld. counsel for the decree holder that the said banker's cheque may be released in favour of DH.

At this stage, an application under Section 82 CPC has been filed on behalf of the Judgment Debtor/MCD, seeking dismissal of the present execution petition on the ground that the same is premature and not maintainable. It is contended in the said application that the execution petition has been instituted in violation of the mandate of Section 82(2) of the Code of Civil Procedure, which provides that no execution shall be issued on any decree passed against the Government or a public officer unless the decree remains unsatisfied for a period of three months computed from the date of the decree. On this basis, it is urged that since the statutory period of three months has not elapsed from the date of the decree, the present execution proceedings are liable to be dismissed as

premature.

In response, Ld. Counsel appearing on behalf of the Decree Holder (DH) opposes the said application and submits that instead of complying with the order passed by the Ld. Labour Court, particularly when the amount awarded was based on the admitted liability of the Judgment Debtor/MCD, the JD has chosen to file the present application on wholly frivolous and untenable grounds with the sole intention of delaying the release of the legitimate dues payable to the decree holder. It is further submitted on behalf of the Decree Holder that Section 82(2) CPC has no application to the present case, as the Municipal Corporation of Delhi cannot be equated with the Government within the meaning of the said provision, and therefore the statutory protection contemplated under Section 82 CPC is not available to the JD/MCD.

However, Ld. Counsel for the Decree Holder seeks some time to file a formal written reply to the said application, addressing the objections raised therein.

In view of the submissions made, time is granted to the Decree Holder to file reply to the application under Section 82 CPC, with advance copy to the opposite side, as prayed.

Put up for filing reply/ further proceedings on
25.03.2026.

(NEERAJ SHARMA)
District Judge-04, Central
Tis Hazari Courts, Delhi
07.03.2026