

09.09.2025

Present: Ld. Counsel for decree holder.

JD in person.

1. JD has moved an application U/151 CPC seeking restoration of his possession in the suit property (which has been taken over in the present execution proceedings on 31.07.2025) on the ground that his appeal is pending in the Hon'ble High Court of Delhi. No order has been brought to my notice whereby the Hon'ble High Court of Delhi had granted any stay to the present execution proceedings. No such claim is even made in the application.
2. Thus, no ground is made out to restore the possession of the JD in the suit property only on the ground that an appeal against the judgment and decree in question is pending. Thus, the application is misconceived. It is dismissed.
3. Warrants of possession have come back duly executed. With the process, a list of articles have been received back. The same have been left in the custody of decree holder.
4. Decree holder submits that he does not wish to keep the custody of the said articles and request that JD may be directed to remove the said goods from the premises. One and only one opportunity is granted to the JD to remove the articles as per list within 7 days from today, failing which DH is directed to deposit the said goods with District Nazir, Tis Hazari Courts, Delhi who shall then proceed to auction the said goods as per

law. The cost incurred in shifting the goods from the suit premises and the cost of auction shall be liable to be paid by JD.

5. Thus, the possession component of decree stands satisfied.
6. Warrants of attachment sent against the JD have come back unexecuted. Counsel for decree holder prays time to move an application for attachment of immovable property of JD for recovery of money.
7. JD is also directed to file list of his movable and immovable assets before next date of hearing with copy to other side.
8. List on 30.10.2025.

Aashish Gupta
DJ-01/NE/KKD/DELHI
09.09.2025