

EX15/24

PAWAN KUMAR JHA Vs. MAYA KANT JHA

07.06.2024

Present: None for decree holder.

Ld. Counsel for judgment debtor.

As per office report, the JD has already been served with notice of decree. Warrants of attachment sent have not come back.

Counsel for JD has moved an application U/O XXI Rule 26 CPC seeking stay to the present execution. It is his contention in the said application that on 29.05.2024, the JD has appointed a new Counsel and thereafter, he informed his new Counsel that he is suffering from severe disease since December 2022 till May 2024. It is also his case that during that time on 29.08.2023, his father expired and even his wife was hospitalised. He also claims that he also informed his Counsel that his phone was broken during that time and he could not purchase a new phone. On the said grounds, JD wants stay to the execution.

In my opinion, no stay can be granted to the JD only because he was suffering from some disease during the period claimed by him or because his phone was broken. Suffice is to say that the application is completely devoid of any merit as no stay can be granted to a decree passed only on the asking of the JD. Accordingly, the application is dismissed.

List on 26.07.2024.

Aashish Gupta
DJ-01/NE/KKD/DELHI
07.06.2024