

30 RCA DJ 6/25
M/S IDHIKA SALES CORPORATION THROUGH
JITENDER KUMAR THAKKAR
Vs. SURESH KUMAR AGGARWAL

07.03.2025

Present : Sh. P.K. Dass, Ld. counsel for the appellant.
Sh. V.S. Sharma, Ld. counsel for the respondent with respondent.

The notice could not be served upon the respondent. However, the respondent has appeared. Ld. counsel for the respondent submits that he shall file his reply and vakalatnama by the next date. Allowed.

Ld. counsel for the appellant has pressed for his application for stay of the execution proceedings. Same is strongly opposed by Ld. counsel for the respondent stating that the decree has been passed in a summary suit u/O 37 CPC. No application for leave to defend was filed by the appellant and hence, the suit was decreed. Hence, the appellant is not entitled to any relief from this Court. However, in case the Court is inclined to grant the stay, then the appellant may be directed to deposit the decretal amount in the Court.

Ld. counsel for the appellant has opposed the same and stated that the summons for judgment were received but no application for leave to defend was filed on the assurance of the respondent that he shall withdraw the matter.

In view of the facts and circumstances, let 50% of the decretal amount be deposited by the appellant before the Ld. Trial Court within 2 weeks and subject to the same, the execution proceedings shall be stayed. It is clarified that if the same is not deposited, then there shall no stay on the execution proceedings.

Put up for reply and arguments for **03.05.2025**.

(2)

Advance copy of the reply be supplied to the opposite party atleast 15 days prior to the NDOH.

TCR be summoned for the next date.

Copy of this order be sent to the Ld. Trial Court for information and compliance.

Copy of order be given dasti.

(RUCHIKA SINGLA)
DJ-03 (N/W)
Rohini Courts :Delhi/07.03.2025