

11 EX CIVIL 45/24 LOVKESH KUMAR CHAUHAN Vs. MAHENDER
AND ANR

26.04.2024

Present: Sh. Mohit Ramdeo, Ld. Counsel for DH.
Sh. Amit Joshi, Ld. Counsel for JD no. 2.

Fresh vakalatnama filed on behalf of JD no. 2. Same is taken on record.

DH is directed to file certified copy of judgment and decree sheet within a week.

Ld. Counsel for JD submits that, JD has challenged impugned order before Hon'ble High Court of Delhi vide RFA 898/2023 and vide order dt. 07.11.2023 operation of present execution petition has been stayed.

Per contra, Ld. Counsel for DH vehemently opposed above submissions on the ground that, said interim relief was subject to condition which was never complied by JD, hence, he is not entitled for any relief.

Submissions heard. Record perused.

Vide order dated 07.11.2023, Hon'ble High Court of Delhi in RFA 898/2023 passed following directions:-

“5. Subject to the appellant depositing the monetary component of the impugned decree into Court within a period of six weeks from today, and continuing to deposit monthly occupation charges @ Rs.30,000/- by the 10th of each month, parties are directed to maintain status quo with regard to possession of the suit property until the next date of hearing.”

Admittedly, JD has not complied said conditions, rather filed review against the same on 22.04.2024 i.e. yet to be listed.

In the considered opinion of this court, no interim relief is in operation as on date.

At this stage, Ld. Counsel for JD submits that, as RFA 898/2023 was listed two days before and re-notified for 06.11.2024, no coercive order may be passed against JD till said date. However, this court, does not find any merit in the submissions made by JD as JD himself has defaulted the condition imposed by Hon'ble High Court of Delhi and now taking trying to take advantage with sole motive to delay the present execution proceedings.

Since, JD has filed review petition qua order dt. 07.11.2023 i.e. to be listed in coming week, matter is adjourned in the interest of justice for **18.07.2024.**

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 26.04.2024