

22 EX CIVIL 304/25
A SELVARAJ Vs. YASHODA DEVI
07.03.2026

One of the Regular Stenographers is on CCL from 19.02.2026 till 12.03.2026.

Present: DH in person.
Sh. Shrawan Dev, Ld Counsel for JD. (VC)

Today the matter is fixed for arguments on objections.

Arguments heard on objections filed by JD.

Perusal of the objections filed by the JD shows that there are two grounds that have been pressed into service. One is that the RFA No.175/2026 has been filed before the Hon'ble High Court of Delhi and the same is listed for hearing. The another ground is that the defendant has also filed an application under Section 340 of Cr.PC which was not decided along with the final disposal. Application under Order XXI Rule 26 CPC has also been filed seeking stay of the execution proceedings.

Arguments heard. Record perused.

This Court is of the considered opinion that objections have been filed merely for the sake of it. It is a settled position of law that mere filing of an appeal shall not operate as a stay of the proceedings in a decree. In the present case, it is admitted that JD has filed an appeal before Hon'ble High Court of Delhi and despite there being a prayer for stay of the execution petition, stay has not been granted by the Hon'ble High Court of Delhi. Hence, this court has no reason whatsoever to stall the proceedings in present execution petition.

In view thereof, the objections filed by the JD as well as the application under Order XXI Rule 26 CPC are hereby dismissed.

List for further proceedings on **23.03.2026**.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 07.03.2026