

Nortech Ferro Alloys Pvt. Ltd. vs. Tuf Metallurgical Pvt. Ltd.

CNR No.: DLSH01-006220-2025

Ex. (Comm.) No. 223/2025

22.12.2025

Present : Mr. Naresh Pandit, Ld. Counsel for DH.
Mr. Ravi Dev Sharma, Ld. Counsel for JD (*through Video Conferencing*).

The Court has heard arguments on objections under Order 21 Rule 22 CPC read with Section 151 CPC. However, the said provision merely stipulates provision for service of notice of execution petition in certain contingencies. Then Ld. Counsel for JD submitted that the said application may be treated as under Order 21 Rule 26 CPC. However, the said provision is not applicable for the simple reason that JD has already filed appeal against the decree under execution. Finally, he submitted that the said application be treated as under Order 47 CPC. However, the said provision relates to discharge, satisfaction and execution of the decree. This is not a case pertaining to discharge or satisfaction of the decree. As far as question relating to execution of the decree is concerned, the suit of JD was dismissed with cost of Rs. 1,25,000/-. However, Hon'ble High Court of Delhi, *vide* order dated 03.03.2025 in RFA (Comm.) No. 127/2025, passed an order that '*As the suit has been dismissed by the trial Court, we are not needed to grant stay, the appellant is praying for*'. On the basis of the said order, Ld. Counsel for JD stated that in principle the said order means that the execution cannot proceed for recovery of cost.

This Court is not in agreement with his contentions. The decree includes cost of the proceedings as well. Accordingly, objections under Order 21 Rule 22 CPC read with Section 151 CPC filed by JD is dismissed. However, Ld. Counsel for JD may approach Hon'ble High Court of Delhi for further order in this regard. To come up for further proceedings on **19.01.2026**.

Sanjay Sharma-II
DJ (Commercial Court)-03
Shahdara, KKD, Delhi
22.12.2025

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