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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA(COMM) 92/2026 and CM APPL. 10796/2026**

AMIT KUMAR & ANR.

.....Appellants

Through: Mr. M K Raghav Raman, Mr. Vignesh
Ramanathan and Ms. Nitya Sharma,
Advocates (M: 9958060629).

versus

VIKAS NAHAR

.....Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **17.02.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 10797/2026 (for exemption)

2. Allowed subject to all just exceptions. Application stands disposed.

RFA(COMM) 92/2026 and CM APPL. 10796/2026 (for stay)

3. The present application has been filed by the Appellants under Order XLI Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 *inter alia*, seeking stay of the impugned judgement and decree dated 20th September, 2025 passed by the District Judge, (Commercial Court-03), Shahdara District, Karkardooma Courts, New Delhi in **CS. (Comm.) 475/2024** and the consequent proceedings thereof.

4. The present application has been filed on the ground that the execution petition being **Execution Petition (Comm.) 99/2025** has already been filed by the Respondent and attachment orders have been issued.

5. In the said execution petition, order dated 7th February, 2026 has been



passed by the Id. District Judge, which reads as under:

“None for judgment debtors despite service.

Ld. Counsel for decree holder requests for issuance of warrants of attachment of movable articles of the judgment debtors.

Heard. Issue warrants of attachment of movable assets of judgment debtors, on filing of PF, as per list of movable assets. Steps be taken within a week.

Decree holder is directed to appear before Ld. ACJ, North East District, Kakardooma Courts, Delhi on 12.02.2026 and before this court on 25.02.2026.”

6. In terms of the above order, the warrants of attachments of moveable assets of the judgement debtors have been issued.
7. Clearly, the Appellants would have been served in the execution petition. However, Id. counsel for the Appellants submits that the service has not been effected.
8. Let the digital record of the execution petition be requisitioned to this Court, by the next date of hearing.
9. Mr. Sidhant Dhingra, Id. Counsel appearing for the decree holder in the execution petition, shall be served with a copy of this appeal.
10. List on 23rd February, 2026.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 17, 2026/mr/sm