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

+ RFA 198/2024

JITENDRA KUMAR TIWARIAppellant

Through: Mr. J K Tiwari, Adv. / appellant in person

versus

MRIDULA SAXENARespondent

Through: Mr. Aviral Saxena, Mr. Kunwar Aditya Singh & Mr. Abhinav Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
28.03.2025

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CM APPL. 18255/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 18254/2025

1. This application filed by the appellant seeks stay of proceedings before the Trial Court as also of the execution proceedings.
2. Notice was issued by the Court by order dated 19th March 2024 but no stay was granted. In the meantime, respondent filed proceedings for executing before the Execution Court. Warrants of execution were issued on 28th May 2024.
3. There were some disputes relating to damage of the property between Decree Holder / respondent and Judgment Debtor / appellant. In this



respect, order dated 5th March 2025 was passed, when an agreement had been arrived at between parties.

4. Counsel for appellant prays for stay, however, this Court has perused the impugned order and notes that decree was passed on basis of admission under Order XII Rule 6 of CPC considering that appellant was found to be at best, a tenant on month-to-month basis.

5. Appellant's counsel asserted a case that they had purchased the suit property for a consideration of Rs.40 lakhs however, there is not a single document in this regard.

6. Based on an admitted landlord-tenant relationship, the judgment was passed.

7. On query to the appellant, who is a lawyer and is present in the Court, whether they have any document to prove the tenancy or of their alleged agreement to sell, he states that he has documents in this regard and seeks time to produce the same before this Court.

8. Accordingly renotify on 16th July 2025, the date already fixed.

9. It is made clear that this Court is not inclined to grant any stay on this application, in the meantime.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 28, 2025/sm/na