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

+ RFA 351/2023, CM APPL. 47303/2024

SAMEER MAHANDRU

.....Appellant

Through: Mr. Anand Shankar Jha with Mr. Abhishek Tiwari, Mr. Parvez Rahman, Mr. Sachin Mintri, Mr. Shubhank Sharma, Advocates.

versus

KISHAN YADAV

.....Respondent

Through: Mr. Jagdeep Lamba with Ms. Rashi Yadav, Ms. Sheryll Singh and Mr. Saptashwa Sarkar, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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24.04.2025

CM APPL. 23880/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908, the applicant/appellant seeks advancement of the date of hearing of CM APPL. No.21900/2023, which is otherwise posted on 06.08.2025.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. CM APPL. No.21900/2023 is taken-up for hearing today.
4. Application stands disposed-of.

CM APPL.21900/2023

5. By way of the present application, the appellant seeks stay of judgment and decree dated 21.12.2022 passed by the learned Additional District Judge, Saket Courts, New Delhi in CS DJ No.789/2017.



6. Mr. Anand Shankar Jha, learned counsel appearing for the appellant submits, that pursuant to what was recorded in order dated 03.03.2025, the appellant is ready and willing to deposit the *entire decretal amount including up-to date interest* and that subject to such deposit, the execution proceedings be stayed.
7. Mr. Jha submits that the appellant has learnt that a bailiff has been appointed by the learned executing court; and that the accounts of the company *i.e.*, M/s. Indospirit Distribution Pvt. Ltd. and the accounts of the judgment-debtors are likely to be attached.
8. In view of the submissions made, it is directed that subject to the appellant depositing the *entire decretal amount including up-to date interest* with the Registrar General of this court, within 02 weeks from today, the effect and operation of impugned judgment and decree dated 22.12.2022 shall remain stayed, till the next date of hearing before this court.
9. The Registrar General is directed to retain the said sum in the form of a fixed deposit in a nationalised bank, initially for a period of 06 months; to be renewed for the same period from time-to-time, without awaiting any further directions from this court in that behalf, unless otherwise directed by the court.
10. Since the court is informed that a bailiff has been appointed and that the bank accounts may be attached shortly, it is directed that no steps for attachment of the bank accounts or any other coercive steps for enforcement of the money decree shall be taken for the next 02 weeks, which time has been granted to the appellant for depositing the entire decretal amount in court.



11. However, if the deposit is not made within the timelines as directed, the respondent shall be at liberty to move this court to seek immediate vacation of the stay order to enable them to proceed with execution of the money decree.
12. Application stands disposed-of.

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13. Re-notify on 06th August 2025, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

APRIL 24, 2025

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