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

+ **RFA 185/2022**

MS SREI EQUIPMENTS FINANCE PVT LTD Appellant

Through: Mr. Vishal, Advocate

versus

ASHOK KUMAR MALIK Respondent

Through: Mr. Vijay Pal Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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10.03.2025

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 62716/2024 (Exemption)

1. Exemption allowed subject to all just exceptions.

CM APPL. 56391/2024 (under Section 151 CPC), CM APPL. 20941/2022 (Stay) & CM APPL. 62715/2024 (Stay)

2. Vide order dated 10.09.2024, the predecessor bench vacated the interim stay on operation of the impugned judgment and decree because the appellant failed to deposit the 75% of the decretal amount in terms with order dated 04.05.2022. On 10.09.2024 itself, going by submissions of counsel for the appellant, the predecessor bench also directed the appellant to file appropriate affidavit, setting out whether moratorium under Section 14 of IBC has been imposed. Today it is submitted by learned counsel that the period of moratorium already stands concluded. That being so, as on date there is no stay on operation of the impugned judgment and decree.

3. It is already 04:45 pm and due to pending board, arguments have to be



deferred.

4. For grant of interim protection even in such circumstances, learned counsel for appellant seeks adjournment to take instructions as to whether the appellant is ready to deposit the entire decretal amount in this court. Therefore, it is made clear that the respondent may continue with the execution proceedings.

5. Relist on 27.08.2025.

GIRISH KATHPALIA, J

MARCH 10, 2025/tp

[Click here to check corrigendum, if any](#)