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

+ CM(M) 2317/2024

NISHA JAIN

..... Petitioner

Through: Mr. Sanjay Rastogi & Mr. Aman
Rastogi, Advs.

versus

SHIV KIRPA SILK MILLS THROUGH ITS PROPRIETOR JIWAN
KUMAR JINDAL

..... Respondent

Through: Mr. Kailash Chand Goel, Adv.
(through VC)

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
16.04.2024

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CM APPL. 21128/2024—stay

1. The present application has been filed by the applicant/petitioner under Section 151 of the Code of Civil procedure, 1908 (hereinafter referred as “CPC”) seeking ad-interim *exparte* stay of the impugned order dated 02.03.2024.
2. The learned counsel for the applicant/petitioner submits that the bailiff has been appointed on 04.04.2024 to attach the immovable property of the applicant/petitioner in the Execution Petition No. 159/2018 titled as “Shiv Kirpa Silk Mills v. M/S Santro Shirts & Anr.” pending adjudication before learned Execution Court. It is submitted that applicant/petitioner is a widow and has financial constrains. The learned counsel submits that the petitioner herein is the widow of deceased Mr. Pankaj Jain. She has never



participated in the business matters of her husband and is not signatory to any of the documents, she has no role to play in the business affairs of her husband and the award is being erroneously executed against her. It is further submitted that she was not aware about the arbitral proceedings pending against her deceased husband and she came to know about the same only when the notice from the Execution Court was received. It is submitted that she belongs to poor strata of society having three daughters therefore, she approached the legal aid services in order to defend herself in the execution proceedings. The learned counsel submits that keeping in view the circumstances of the applicant/petitioner the execution proceedings be stayed.

3. The learned counsel on behalf of respondent refutes the submissions and submits that the objections filed on behalf of the petitioner have been dismissed therefore, there is no merit in the present application and hence it should be dismissed.

4. Having considered the above submissions, the impugned order dated 02.03.2024 is stayed till the next date of hearing.

5. Reply be filed within one week with an advance copy to the opposite side. Rejoinder, if any, be filed within one week thereafter with advance copy to the opposite side.

6. List for hearing on 06.05.2024.

7. Order be given *dasti* under the signatures of the Court Master as prayed.

SHALINDER KAUR, J.

APRIL 16, 2024
SDS