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

+ **RFA 620/2023**

MOHD.NOOR HASSAN

.....Appellant

Through: Ms. Archana Midha, Advocate.

versus

ASHOK KUMAR PASSI

.....Respondent

Through: Ms. Sanjana and Mr. N.K. Aggarwal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **30.01.2025**

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

CM APPL. 5641/2025 (for deposit decretal amount/stay)

1. Vide order dated 22.08.2023, the predecessor bench stayed the operation of the impugned judgment and decree of *mesne* profits subject to the appellant depositing 75% of the principal decretal amount within two weeks. But no money was deposited all across. Now by this application, appellant seeks to deposit the said 75% of the principal decretal amount for being protected against execution, which is now continuing. It is submitted on behalf of appellant that due to circumstances of appellant, further indulgence be granted.
2. Learned counsel for respondent appearing on advance intimation accepts notice and strongly opposes the application.
3. So far as the unfortunate circumstances of appellant are concerned,



nothing prevented the appellant from seeking enlargement of time to deposit the money all across this period of more than one year. Further, learned counsel for respondent has also made an offer that the said 75% of the decretal amount may be released to the respondent subject to security and thereafter, protection may be extended. But this offer is not acceptable to appellant.

4. At this stage, learned counsel for respondent makes another offer that the appellant should deposit the entire execution amount due as on date (*which is stated to be approximately Rs. 30,00,000/-*) with the Registry of this Court so that appellant may be protected. Even this offer is rejected by appellant.

5. Therefore, I find no reason to grant further indulgence. The application is dismissed.

6. As requested by learned counsel for respondent, it is made clear that there is no stay on execution of the impugned judgment and decree, so the execution court may proceed in accordance with law.

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7. List on date already fixed i.e., 28.02.2025.

GIRISH KATHPALIA, J

JANUARY 30, 2025/ry

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