



\$~52

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

+ RC.REV. 200/2025

GAFOOR AHMAD

.....Petitioner

Through: Mr. Sanjay Rathi, Mr. Sanchit J. and  
Ms. Aditi R., Advocates.

versus

MOHD YAQUB MALIK

.....Respondent

Through: Mr. A.K.Suri, Advocate (through VC),  
Mr. Ankit Kansal and Mr. Manoj  
Manderna, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

**07.01.2026**

%

1. This hearing has been done through hybrid mode.

**CM APPL. 780/2026 (exemption)**

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

**CM APPL. 779/2026 (stay)**

3. The present application under Section 151 of the CPC seeks following prayers:-

“It is there for most respectfully prayed that the impugned order dated 03.01.2026 as passed in the execution proceedings by the Ld. ARC-02, Central, Tis Hazari Courts, Delhi, as well as the execution proceedings bearing Execution Proceedings of the EX. No. 1 857 of 2025 pending in the Court of Ld. ARC- 02 Central Tis Hazari Courts Delhi tiled as "Yaqub Malik Vs Gafoor Ahmed" may kindly be ordered to stay during the pendency of the above noted Petition.

Pass any other further order in favour of the Petitioner and against the Respondent as this Hon 'ble Court deem fit and proper.”

4. Learned counsel appearing on behalf of the petitioner points out that



vide order dated 03.12.2025 learned Predecessor Bench of this Court while considering the order dated 11.08.2025 and the report of the Local Commissioner passed the following order:-

“7. In view of the change of circumstances which have evolved during the pendency of the present petition, as also, considering the specific recording in paragraph no.2 of the order dated 11.08.2025 passed by this Court, wherein it has been recorded that “... .. the learned Local Commissioner’s report has clarified that premises bearing Nos. 2144/5 and 2144/40 are different and distinct premises... ..” it would be in the interest of justice as this is a fit case for staying the Execution Petition arising out of the impugned order dated 25.01.2025.

8. Accordingly, till the next date of hearing, further proceedings in EX. No.1857/2025, arising out of impugned order dated 25.01.2025, is stayed. ”

5. Thereafter, on an application preferred by the respondent the aforesaid order was modified in the following manner:-

“4. In the meanwhile, it is clarified that the order dated 03.12.2025 is with respect to the premises bearing number 2144/40.”

6. Learned counsel appearing on behalf of the petitioner submits that the bailiff appointed in pursuance of the order by learned ARC vide order dated 03.01.2026 is ignoring the report of the Local Commissioner while carrying out the execution process and is proceeding to evict the petitioner from the property bearing no. 2144/40.

7. Learned counsel appearing on behalf of the respondent, on advance notice, refutes the aforesaid and submits that the bailiff has not even visited the property till date.

8. Be that as it may, in view of the orders passed by learned Predecessor



Bench of this Court vide orders dated 11.08.2025 and 08.12.2025 it is made clear that the bailiff appointed by the learned Execution Court shall take into consideration the report of the Local Commissioner filed before this Court while conducting execution proceedings.

9. With the aforesaid observations, the present application stands disposed of.

10. Copy of the order be sent to the learned ARC for necessary information and compliance.

**RC.REV. 200/2025**

11. List on date already fixed, i.e., 20.01.2026.

**AMIT SHARMA, J**

**JANUARY 07, 2026/sn/ah**