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

+ RFA 702/2024

MOHIT GUPTA

.....Appellant

Through: Mr. Ashish Mohan, Sr. Advocate with
counsel (appearance not given).

versus

VED PRAKASH KATHURIA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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18.09.2025

CM APPL. 59512/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the appellant seeks advancement of date of hearing in the matter, which is otherwise posted on 11.12.2025.

2. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
3. The stay application *i.e.*, CM APPL.60002/2024 is taken-up for hearing today.
4. The application stands disposed-of.

CM APPL.60002/2024 (stay)

5. By way of the present application filed under Order XLI Rule 5 read with section 151 of the CPC, the appellant seeks stay of impugned judgment and decree dated 17.01.2023 passed by the learned Additional District Judge, North District, Rohini Courts, Delhi in CS DJ No.254/2020



6. Mr. Ashish Mohan, learned senior counsel appearing for the appellant submits that notice on the appeal and the stay application alongwith condonation of delay applications was issued on 09.01.2025, whereafter the respondent had been served.
7. Mr. Mohan however points-out, that since no reply was called to any of the applications, the stay application has not been considered.
8. Learned senior counsel submits, that in the meantime however the appellant is facing civil imprisonment in the execution proceedings, that have been initiated by the respondent.
9. It is submitted that, the principal decretal amount is Rs.20,74,800/- alongwith *pendente-lite* interest at 7% per annum from date of filing of suit till realisation; and in the course of execution proceedings, a sum of Rs.5.5 lacs has already been paid by the appellant to the respondent (after selling his car).
10. Mr. Mohan submits, that though the appellant is in seriously impecunious circumstances, but considering the circumstances, he will arrange for Rs.10 lacs within 04 weeks; and would deposit the same in this court, if permitted to do so.
11. In view of the submissions made, and on a *prima-facie* view of the matter, it is directed that *subject to* the appellant depositing the sum of Rs.10 lacs with the Registrar General of this court within 04 weeks from today, no coercive measures would be taken against the appellant in the execution proceedings, till the next date of hearing before this court.
12. The Registrar General is directed to retain the amount deposited in the form of a fixed deposit in a nationalised bank, initially for a period of



01 year; 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.

13. The Registry is directed to bring to the notice of this court any non-compliance with the directions issued above.
14. Re-notify on 11th December 2025, the date already fixed.
15. A copy of this order be given *dasti* under the signatures of the Court Master.

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16. Re-notify on 11th December 2025, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 18, 2025

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