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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1983/2025**

MODERN MACHINERY STORE & ORS.Petitioners
Through: Mr. Harshit Kedawat, Advocate

versus

SUMAN GUPTA & ORS.Respondents
Through: None

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **14.10.2025**

CM APPL. 64439/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM(M) 1983/2025 & CM APPL. 64438/2025 (stay)

2. Petitioners have assailed order dated 04.10.2025 of the learned trial court, whereby in the proceedings under Order IX Rule 13 CPC, the trial court dismissed the application of petitioners/JDs because as per record, service of summons validly took place through WhatsApp and counsel for the petitioners/JDs expressed ignorance as to whether the mobile phone numbers in question are of his clients and the petitioners/JDs did not place list of assets or even the documents related to dissolution of the firm.

3. *Prima facie*, there is no error in the impugned order.

4. However, learned counsel for petitioners/JDs on instructions of his clients conveys their undertaking to deposit with the Registry of this Court the entire execution amount inclusive of interest on or before 17.10.2025.



Relying upon the undertaking of learned counsel for petitioners/JDs, it is directed that subject to the said deposit, execution proceedings shall remain stayed till next date. However, it is made clear that if by 17.10.2025, the entire execution amount is not deposited with the Registry of this Court, there shall be no continuance of interim protection and execution proceedings shall continue.

5. Subject to petitioners taking steps within one week, notice through all modes be issued to the respondents, returnable on 29.01.2026 before Registrar.

GIRISH KATHPALIA, J

OCTOBER 14, 2025/as