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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.R.P. 163/2018

POONAM VERMA

.....Petitioner

Through: Mr. Vishwendra Vennu,
Ms. Shivali & Mr.
Abhishek Nagar, Advs.

versus

YASH PRAKASH SHARMA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.01.2025

CM APPL. 1661/2025 (for exemption) in C.R.P.163/2018

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 1660/2025 (for early hearing of stay application) in C.R.P.163/2018

3. The present application is filed seeking early hearing in stay application, being, CM. APPL. 65119/2024.
4. The petition filed by the petitioner was dismissed for non-prosecution. Thereafter, an application was filed by the petitioner, being, CM.APPL.56840/2024, for restoration of the present petition. Notice has been issued in the said application.
5. The petitioner, at the time of filing an application for restoration, had also filed the application, being, CM. APPL. 65119/2024 seeking stay of the execution proceedings stating that the respondent is now proceeding with the execution of the impugned order.
6. This Court, by order dated 19.12.2024, dismissed the said application noting that no ground for stay of the execution proceedings is made out.
7. Despite the same, the petitioner has now moved the



present application for early hearing of the stay application, which has already been dismissed, on the ground that the learned Trial Court has appointed a bailiff for execution of the decree, which was under stay before dismissal of the petition for non-prosecution.

8. Once the application seeking stay of the proceedings has already been dismissed, the consequential order will have to be passed by the concerned learned Trial Court.

9. The petitioner has not challenged the order dated 19.12.2024 whereby the application for stay of execution proceedings was dismissed.

10. This Court has also perused the order of the learned District Judge dated 23.12.2024. Before issuing warrant of attachment against movable properties of the petitioner, it has been specifically noted that the petitioner had failed to communicate to the Court that her application for stay (CM. APPL. 65119/2024) has been dismissed.

11. While the order dated 23.12.2024 has been annexed with the current application, it has been wrongly averred in the current application as well that notice has been issued in the stay application for 28.01.2025.

12. It cannot be said that the petitioner or her counsel were unaware of the dismissal of the stay application, especially when the same has also been specifically noted by the learned District Judge in the order dated 23.12.2024.

13. The present application is clearly frivolous in nature and is an abuse of the process of Court. Not only has the petitioner filed an early hearing application in relation to an application that has already been dismissed, but, as noted above, incorrect averments have been made in relation to the same as well. Moreover, the



dismissal of the stay application was also concealed before the learned District Judge.

14. The application is, therefore, dismissed with cost of ₹10,000/-, to be deposited with the Delhi High Court Legal Services Committee, within a period of four weeks from date.

15. Let proof of deposit of cost be filed before the next date of hearing.

AMIT MAHAJAN, J

JANUARY 13, 2025

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