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

+ RFA 324/2017 (Disposed off case)

VIJAY KUMAR SHARMA

.....Appellant

Through: Mr. Narender Singh Yadav, Mr.
Abhishek Yadav, Mr. Ashutosh
Yadav, Advocates.

versus

TARANJIT KAUR

.....Respondent

Through: Mr. Pradeep K. Bakshi, Sr.
Advocate with Mr. Kushagra
Pandit, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.12.2024

CM APPL. 75549/2024 (for clarification of order dated 28.10.2024) &

CM APPL. 75550/2024 (for stay of execution proceedings)

1. The appellant has filed CM APPL. 75549/2024 for clarification of order dated 28.10.2024 and CM APPL. 75550/2024 for stay of proceedings in Execution Civil No. 58714/2016 pending before the Court of the learned Additional Judge-4, North West, Rohini Courts.

2. The execution proceedings arise out of the judgment of the learned Trial Court dated 31.08.2016, which was challenged in the captioned appeal. Although the order of this Court dated 06.02.2024 records that the appeal has abated, the appellant has filed an application for setting aside of the abatement in terms of liberty granted by the same order, alongwith an application for condonation of delay. These applications remain pending before this Court.

3. By an order dated 12.09.2024, the statement of learned counsel for



respondent was recorded that the respondent will not pray for execution proceedings. The aforesaid statement was extended by orders of the Court dated 24.09.2024 and 28.10.2024.

4. The appellant's grievance is that, despite the aforesaid position, the respondent has filed an application before the Executing Court for issuance of warrants of possession of the suit property on the ground that the interim orders of this Court were no longer operative as the order of the learned Registrar dated 19.11.2024 did not specifically continue the interim order.

5. At the very outset, Mr. Pradeep K. Bakshi, learned Senior Counsel for the respondent, accepts that this contention is incorrect. He states that the execution proceedings will not proceed further during the pendency of the aforesaid applications and/or the appeal, without leave of the Court. He further states that the application, which is the subject matter of the order dated 13.12.2024, will be withdrawn from the Executing Court, and the order of the Executing Court dated 13.12.2024 will not be acted upon by the respondent. The respondent will also request the Executing Court to recall the said order.

6. Recording the statements made on behalf of respondent as aforesaid, it is clarified that the execution proceedings will remain stayed during the pendency of the applications and/or the appeal before this Court, unless specifically permitted to continue.

7. The applications stand disposed of in the aforesaid terms.

PRATEEK JALAN, J

DECEMBER 23, 2024/‘Bhupi/AD’/