



2025:DHC:7666



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

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*Date of Decision: 01.09.2025*

+ **C.R.P. 179/2025**

YOGESH KUMAR GUPTA

.....Petitioner

Through: Mr. Yudhvir Singh Chauhan, Adv.  
alongwith Petitioner in person.

versus

BOBBY GOREJA

.....Respondent

Through: Mr. R.K Dhawan, Ms. Nisha  
Dhawan, Mr. V.K Teng and Mr.  
Pawan Karan Deo, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**TARA VITASTA GANJU, J.: (Oral)**

**CM Appl. 54728/2025/For directions**

1. This is an Application filed on behalf of the Petitioner seeking directions to the Executing Court not to proceed further with the execution in view of the fact that the Affidavit/Undertaking, which was directed to be filed before this Court on 03.07.2025, has not been placed on record.

2. Learned Counsel appearing on behalf of the Petitioner submits that the Petition was disposed of on 03.07.2025 when certain directions were passed, amongst these directions was a direction that the vacant physical possession of the subject premises will be handed over on or before 25.10.2025. Learned Counsel submits that this date was given in the presence of the parties and after the consent of all parties present on that date. However, the Affidavit of Undertaking which was supposed to be filed within a period of one week, was filed after 2 weeks.

2.1 Learned Counsel further submits that in the meantime, the



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Respondent filed an Application before the Executing Court for warrants of possession pursuant to the Order dated 17.07.2025 passed by this Court in view of the delay in filing the Affidavit.

2.2 Learned Counsel further submits that the copy of the Affidavit was filed on 16.07.2025 and a copy was handed over to the learned Counsel for the Respondent on 17.07.2025.

3. This position is refuted by the learned Counsel appearing for the Respondent. He reiterates his contention that the Affidavit was filed late.

4. Concededly, the Affidavit was filed late. However, the Affidavit is on record today. In addition, the Petitioner is also present physically in the Court today and he again reiterates that he will comply with the terms of the Affidavit/Undertaking filed.

5. Accordingly, and in view thereof, the Application is allowed. The Trial Court shall defer the warrants of attachment to 26.10.2025.

6. The Applications stand disposed of.

7. File be consigned to record.

8. The parties shall act based on the digitally signed copy of the Order.

**TARA VITASTA GANJU, J**

**SEPTEMBER 1, 2025/g.joshi**