



2025:DHC:246



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 17.01.2025*

+ C.R.P. 13/2025

AVINASH SINGH JAWA

.....Petitioner

Through: Mr. Ravinder Pal Singh, Advocate.
versus

ROHIT KAPOOR

.....Respondent

Through:

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This matter has been received on transfer.

CM APPL. 2880/2025 [Exemption from filing certified copies]

2. Allowed, subject to all just exceptions.

3. Application stands disposed of.

C.R.P. 13/2025 & CM APPL. 2879/2025 [Stay]

4. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] seeking to set aside the Impugned Order dated 11.12.2024 and 21.12.2024 passed by the learned ADJ, Tis Hazari Courts, Delhi in Execution Petition No. EX/334 of 2021 [hereinafter referred to as "Impugned Orders"].

5. Learned Counsel for the Petitioner submits that an *ex parte* decree was passed against the Petitioner on 18.06.2020. It is the case of the Petitioner that summons were not received by him in the proceedings filed by the Respondent. The Impugned Orders were passed in the execution proceedings filed by the Respondent to enforce the decree passed.



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6. The record shows that the learned Executing Court examined the contention of the Petitioner while dealing with an Application filed by him under Order XXI Rules 27 and 40, CPC for cancellation of the warrants of arrest issued by the Court. The Impugned Order sets out that the Petitioner has mentioned the same address in the vakalatnama (filed along with the Order XXI Rules 27 and 40, CPC Application) as was mentioned in the previous notices and warrants which were issued by the Executing Court and thus, has found that the Petitioner is playing “hide and seek” with the Court to delay the execution proceedings. The Executing Court has also directed that the Petitioner shall appear in person on 22.01.2025.
7. After some arguments, learned Counsel for the Petitioner submits that he may be permitted to withdraw the present Petition with liberty to raise his contentions before the learned Executing Court.
8. The Petition is dismissed as withdrawn with the liberty as prayed for. All pending Applications stand closed.
9. The rights and contentions of both the parties are left open to be adjudicated before the Executing Court.
10. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 17, 2025/pa