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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 03rd July, 2025*

+ CM(M) 1031/2025, CM APPL. 33767/2025 & CM APPL. 33768/2025
SHYAM SUNDER KHANDELWAL

.....Petitioner

Through: Mr. Kuldeep Singh, Mr. Tarun Singh
A., Mr. Nishant Tyagi and Mr.
Abhilash Tyagi, Advocates.

versus

KISHORI LAL JAISWAL

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner challenges the order dated 03.05.2025 passed by the learned Executing Court.
2. Admittedly, the petitioner herein has suffered a decree, and such decree has been challenged by him by filing a *Regular First Appeal* before this Court.
3. Such appeal has been registered as RFA No. 280/2025 and is now listed for hearing on 10.07.2025.
4. The abovesaid appeal was taken up by the learned Coordinate Bench of this Court dealing with the abovesaid RFA on 26.03.2025 and the Coordinate Bench, while dealing with the abovesaid RFA, specifically observed that the pendency of such appeal shall not prevent the execution proceedings.
5. In view of the abovesaid specific observation appearing in the



abovesaid order dated 26.03.2025, the learned Executing Court has gone ahead and has directed the judgment debtor to deposit the entire decretal amount, failing which, the decree holder has been permitted to file process of attachment of movable articles of the judgment debtor.

6. Such order is under challenge.

7. It is quite obvious that there is no illegality of any nature whatsoever in the impugned order.

8. Since there was no stay granted by this Court while dealing with the abovesaid RFA, the Executing Court has rightly proceeded ahead with the execution petition. It is upto the petitioner to move appropriate application before the learned Coordinate Bench for seeking relief if any.

9. Finding no illegality in the impugned order, the present petition is hereby dismissed.

10. All pending applications are also disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 3, 2025/ss/pb