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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 05th May, 2025**
+ CM(M) 826/2025 & CM APPL. 26943-26944/2025
PINEVIEW TECHNOLOGY PRIVATE LIMITEDPetitioner

Through: Mr. Dhruv Gautam, Advocate.

versus

MITTAL EXTRUSION WORKS PRIVATE LIMITED & ANR.

.....Respondent

Through: Mr. Amit Mittal, (Director) Present in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. M/s Mittal Extrusion Works Private Limited had filed a suit for mandatory injunction seeking direction to defendant No.1 to return his Mercedes Benz Car in the same condition as it was removed on 25.05.2022.
2. On the basis of one application moved under order XII Rule 6 CPC, the abovesaid suit was partly decreed by the learned Trial Court on 10.11.2022 and there was a decree with respect to the return of vehicle.
3. Feeling aggrieved, such order was taken in appeal by the petitioner herein.
4. When such appeal i.e. RCA SCJ No. 1/2023 was taken up by learned Trial Court on 21.02.2023, it also stayed the impugned judgment/decree.
5. However, in the subsequent orders passed by learned First Appellate Court, since there was no such further direction, when the learned Executing Court took up the execution, noticing that there is no further stay in the matter, it has directed the judgment debtor to hand over the vehicle within a period of one week, failing which, to bear cost of Rs. 50,000/-.



6. Such order dated 25.04.2025 is under challenge.
7. When asked, learned counsel for petitioner/judgment debtor No.1, informed that after the abovesaid order, he even moved an application before the learned First Appellate Court seeking extension of stay. However, the learned First Appellate Court has posted the abovesaid application for 21.05.2025. He submits that if the implementation of impugned order dated 15.04.2025 is not stayed or deferred, his appeal would become infructuous.
8. Mr. Amit Mittal, Director of the decree holder company, has also joined the proceedings through *video conferencing*.
9. Admittedly, learned First Appellate Court had, earlier, granted stay in favour of the appellant and, therefore, there was no further coercive direction passed by the learned Executing Court.
10. Since the learned Appellate Court has already entertained request made by the petitioner herein and has fixed up such application for due consideration on 21.05.2025, the present petition is disposed of with the direction that the abovesaid order dated 25.04.2025 shall remain in abeyance till 21.05.2025.
11. Thereafter, the learned Executing Court would be at liberty to further deal with the execution in terms of the orders passed by the learned Appellate Court.
12. The petition is disposed of in aforesaid terms.
13. Pending applications, if any stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 5, 2025/sw/SS