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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 09th July, 2025**
+ **CM(M) 1178/2025 & CM APPL. 39724/2025**
MOHD ASHRAF AND ORS

.....Petitioners

Through: Mr. Joby P. Varghese, Mr. Arpit
Bhargava, Mr. Sarthak Sharma, Mr.
Abhishek, Ms. Hina Bhargava, Ms.
Amrita Dhawan & Mr. Aby Varghese,
Advts.

versus

ABDUL WAHID SIDDIQUE (THROUGH LRS)

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein had filed a suit for possession and recovery of damages and injunction.
2. Such suit was decreed in his favour.
3. Feeling aggrieved, the concerned judgment debtor filed an appeal which is pending adjudication before the concerned learned District Judge, Central District, Delhi.
4. According to petitioner herein, the decretal amount is above Rs.25 lacs and since learned Appellate Court had started hearing arguments, he made statement before the learned First Appellate Court that he would not press his execution petition, in case, judgment debtor deposits a sum of Rs.9 lacs.
5. Such amount has, admittedly, been deposited by judgment debtor. The order, in this regard, was passed by learned First Appellate Court on 20.11.2023.



6. The grievance of petitioner is, merely, limited to the effect that the appeal is still being heard and his own consent, given before the learned First Appellate Court, is now coming in his way as the appeal has not so far been disposed of and he is also precluded from pursuing his execution. He submits that he made request before the learned Appellate Court to withdraw his abovesaid consent, so that, he can pursue his execution petition but such application has been dismissed by learned Trial Court.

7. The next date fixed in the appeal is stated to be 18.08.2025.

8. After hearing learned counsel for the petitioner for some time, the present petition is disposed of with request to the learned First Appellate Court to give requisite priority to the appeal in question and to dispose it of, as expeditiously as possible. If for any reason whatsoever, the arguments are not concluded from the side of the appellant, then the learned Trial Court would take up the application moved by decree holder under Section 151 CPC whereby it has sought directions for deposit of user charges in terms of *Atma Ram Properties (P) Limited vs. Federal Motors (P) Limited: (2005) 1 SCC 705*.

9. The petition stands disposed of in aforesaid terms.

10. Pending application, if any, also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 9, 2025/ck/SS