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

% ***Date of Decision: 10th July, 2025***

+ CM(M) 1051/2025 & CM APPL.40081-40082/2025
PRIYANKA AILAWADI

.....Petitioner

Through: Mr. Murari Tiwari along with Mr.
Rahul Kumar, Ms. Nimisha Gupta,
Ms. Indira Murthy and Mr. Pranshu
Prakash, Advocates.

versus

SAURABH GOEL

.....Respondent

Through: Mr. Rahul Rai, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The point raised in the present petition is a short one.
2. The respondent-Mr Saurabh Goel, had filed a suit against one Mr. Kunal Ailawadi and such suit was eventually decreed in favour of respondent.
3. Armed with such decree, respondent filed an execution petition.
4. However, the concerned judgment debtor did not appear before the Court.
5. His wife (petitioner herein) filed an objection petition under order XLVII CPC.
6. Such objection petition was taken on record by the learned Executing Court but without disposing of such objection petition, the learned Executing Court has issued attachment warrants on 16.05.2025.
7. Such order is under challenge.



8. The sole grievance of the petitioner herein is to the effect that without deciding the objection petition, the Court should not have issued any coercive process.
9. She also submits that even otherwise she is residing separately from her husband and her husband continues to be in *judicial custody*.
10. Learned counsel for respondent has already put in appearance and has moved one application under Section 151 CPC.
11. During course of the arguments, learned counsel for respondent submitted that he would also have no objection if the learned Trial Court is requested to first dispose of the objection petition and then to pass further appropriate order in relation to their execution petition.
12. In view of the above, the impugned order dated 16.05.2025 is set aside and the learned Trial Court is requested to decide the objection petition filed by the petitioner herein in accordance with law and, thereafter, to proceed further with the execution filed by Mr. Saurabh Goel.
13. The present petition stands disposed of in aforesaid terms.
14. All pending applications are also stand disposed of.
15. The next fixed date i.e. 21.08.2025 is cancelled.

(MANOJ JAIN)
JUDGE

JULY 10, 2025/ss/pb