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

% ***Date of Decision: 17th March, 2025***

+ **CM(M) 498/2025 & CM APPL. 15403-15404/2025**

BALLI RAM

.....Petitioner

Through: Mr. Deepak Singh, Advocate.

versus

SUNITA SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner, who is objector and judgment debtor as well, impugns order dated 09.01.2025 passed by the learned Executing Court whereby his request for suspension of execution proceedings has been declined and, resultantly, the warrant of possession has been issued.
2. Learned counsel for petitioner, in all fairness, admits that warrant of possession has already been executed and the possession has already been handed over back to the concerned decree holder on 13.02.2025.
3. He also, in all fairness, submits that the judgment debtor/objector has already been filed a *Regular Second Appeal*, which has been registered as RSA No. 28/2025, in which notice has already been issued for 08.07.2025 by learned Coordinate Bench of this Court.
4. In such *Regular Second Appeal*, the petitioner has, *inter alia*, prayed



for stay of the same execution proceedings.

5. During course of the arguments, learned counsel for petitioner submitted that the execution is pending adjudication with respect to *mesne profits* and damages as well. When asked, learned counsel for petitioner could not demonstrate anything which may indicate that the petitioner has filed objection in his independent and substantive capacity.

6. In case, the petitioner is aggrieved by continuance of execution, he can always file appropriate application for necessary relief in said RSA.

7. In view of the above said factual matrix and the fact that a *Regular Second Appeal* is already pending adjudication before this Court, the interference by invoking article 227 of the Constitution of India seems completely misplaced and unwarranted.

8. The present petition along with pending applications stands dismissed in *limine*.

9. It is however, clarified that this court has not made any observation on the merit of the decree as such.

**(MANOJ JAIN)
JUDGE**

MARCH 17, 2025/sw/SS