



2025:DHC:1798



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 19th March, 2025***

+ CM(M) 3283/2024 & CM APPL. 49938/2024

MOHIT GUPTA

.....Petitioner

Through: Mr. Siddhant Rai Sethi with
Mr. Shivam Jangra and Mr. Sahib
Gurdeep Singh, Advocates.

versus

VED PRAKASH KATHURIA

.....Respondent

Through: Mr. Kapil Gulati with Mr. Amit
Kochar, Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Learned counsel for respondent/Decree Holder submits that application moved by Decree Holder under Order XXI Rule 37 is still pending consideration before learned Executing Court. He, without prejudice to his rights and contentions, submits that the present petition may be disposed of by directing learned Executing Court to proceed further with the matter and to deal with the abovesaid application in terms of the observations given by this Court in *M/s CELL Page Communication vs. Vijay Shankar Pandey: 2022 SCC OnLine Del 3421*. He, though, submits that the abovesaid application was never withdrawn by him and that, there appears to be some inadvertent observation in this regard in one order passed by learned Trial Court, in order to avoid any further delay, he has no objection to decision afresh, *albeit*, on expeditious basis.



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2. Learned counsel for the petitioner has also no objection in this regard. He also undertakes that Judgment Debtor would render full assistance and cooperation and would ensure that he is duly represented before learned Executing Court on any date, to be fixed by the Court.
3. The petition is, accordingly, disposed of with request to learned Executing Court to take up the abovesaid application filed by Decree Holder under Order XXI Rule 37 CPC and while adhering to the protocol and procedure as mentioned in CPC and also as per directions contained in *M/s CELL Page Communication* (supra), the abovesaid application be decided, as expeditiously as possible.
4. If learned Trial Court feels that personal appearance of Judgment Debtor is required for any purpose whatsoever, this Court expects Judgment Debtor to scrupulously abide by the same.
5. In order to avoid any further unwarranted delay, the petitioner herein i.e. Judgment Debtor is given liberty to file additional reply, if any, on or before the next date of hearing before learned Executing Court which is stated to be 28.03.2025.
6. The petition, along with all pending applications, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 19, 2025/st/SS