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

% *Date of Decision: 28th May, 2025*

+ CM(M) 963/2025 & CM APPL. 31719-31720/2025

SALEEM AHMAD

.....Petitioner

Through: Mr. Dinesh Kumar, Advocate.

versus

SHRI SUDARSHAN KUMAR JOSHI & ANR.Respondents

Through: Mr. Munish Chhoker and Ms. Jyoti Verma, Advocates for respondent No.1.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein has suffered a decree of possession/rent and *mesne profits*.
2. Pursuant thereto, an Execution Petition was filed before the learned Trial Court.
3. Possession has already been received by the concerned Decree Holder and now the decree is qua rent/*mesne profit*.
4. On 04.04.2025, Judgment Debtor appeared before the learned Executing Court in person and Decree Holder requested that *warrants of arrest* be issued against Judgment Debtor.
5. Learned Trial Court, accordingly, issued show-cause notice to Judgment Debtor as to why he should not be committed to civil imprisonment under Order XXI Rule 37 CPC and fixed up the matter for 15.05.2025.



6. On 15.05.2025, there was no appearance from the side of Judgment Debtor and even notice issued in relation to application moved under Order XXI Rule 37 CPC was received back, unserved.
7. It was in the abovesaid backdrop that learned Trial Court was compelled to issue *warrants of arrest* against Judgment Debtor.
8. Such order dated 15.05.2025 is under challenge.
9. During course of the arguments, learned counsel for the petitioner/Judgment Debtor submitted that Judgment Debtor had filed Objection Petition and such Objection Petition has also been dismissed by the learned Executing Court and, consequently, he has already filed an Execution Appeal before the concerned learned District Judge, which is now coming up for further consideration in July, 2025.
10. Be that as it may, the petitioner should not have indulged in any hide-and-seek game with the Court.
11. He himself had appeared before the Court and the Court had asked him to respond to show-cause notice.
12. Instead of filing any reply, he simply vanished from the scene and, therefore, viewed from the abovesaid angle, there is no illegality or perversity in the order passed by the learned Trial Court. Moreover, in view of the specific directions given by the Hon'ble Supreme Court in *Periyammal v. V. Rajamani*, 2025 SCC OnLine SC 507, Execution Petition needs to be fast-tracked and needs to be disposed of within a period of six months.
13. During course of the arguments, learned counsel for the petitioner, however, undertook that the petitioner would appear before the learned Executing Court on 11.06.2025 and based on such specific assurance given by learned counsel for the Judgment Debtor, the present petition is disposed



of with direction that *warrants of arrest* in question are kept in abeyance on the condition that the petitioner would appear before learned Executing Court on 11.06.2025.

14. It is also expected that he files appropriate response to the abovesaid application filed under Order XXI Rule 37 CPC.

15. Learned Executing Court, after giving due opportunity of hearing to both the sides, would be at liberty to take further appropriate decision with respect to the abovesaid application.

16. The petition stands disposed of accordingly.

17. Pending applications, if any, also stand disposed of.

18. Copy of the order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

MAY 28, 2025/st/SS