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

*Date of Decision: 05<sup>th</sup> May, 2026*

+ CM(M) 1023/2026, CM APPL. 29926/2026, CM APPL. 29927/2026  
& CM APPL. 29928/2026

VIKRAM TOKAS

.....Petitioner

Through: Mr. Lal Singh Thakur, Ms. Sonali Singh, Mr. Lokesh Solanki, Ms. Himani Verma, Mr. Sahil Gandhi, Ms. Kavya, Mr. Sumit, Mr. Aditya, Mr. Tarun Mann and Mr. Ankush, Advs.

versus

SUMIT WADHWA

.....Respondent

Through: Mr. B. S. Jakhar, Mr. Vikram Singh Jakhar, Mr. Neeraj Jakhar, Ms. Bhawna Jakhar, Ms. Nidhi Jakhar, Mr. Shubham Dabas, Ms. Varnika Sharma, Mr. Dhruv Sachdeva and Mr. Viraj Rathee, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA**

**ORDER (Oral)**

**Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed on behalf of the petitioner under Article 227 of the Constitution of India, 1950 read with Section 151 of Code of Civil Procedure, 1908 (“CPC”), assailing the orders dated 23<sup>rd</sup> December, 2025 and 20<sup>th</sup> February, 2026 passed by the learned Trial Court in Ex. No. 213/2025, whereby the warrants of attachment in respect of movable



properties of the petitioner have been issued.

3. Learned Counsel for the respondent/ Decree Holder (DH) appears on advance notice and accepts notice.
4. With the consent of learned Counsel for the parties, the matter is taken up for hearing.
5. Heard. Record perused.
6. Order XXI Rule 22 of CPC is reproduced as under:

*“Order XXI Rule 22 CPC:*

*Notice to show cause against execution in certain cases-----*

*(1) Where an application for execution is made-*

*(a) more than two years after the date of the decree, or  
(b) against the legal representative of a party to the decree [or where an application is made for execution of a decree filed under the provisions of section 44A],  
[or]*

*[(c) against the assignee or receiver in insolvency, where the party to the decree has been adjudged to be an insolvent,] the Court executing the decree shall issue a notice to the person against whom execution is applied for requiring him to show cause, on a date to be fixed, why the decree should not be executed against him : Provided that no such notice shall be necessary in consequence of more than 2 [two years] having elapsed between the date of the decree and the application for execution if the application is made within 2 [two years] from the date of the last order against the party against whom execution is applied for, made on any previous application for execution, or in consequence of the application being made against the legal representative of the judgment-debtor if upon a previous application for execution against the same person the Court has ordered execution to issue against him.*

*(2) Nothing in the foregoing sub-rule shall be deemed to*



*preclude the Court from issuing any process in execution of a decree without issuing the notice thereby prescribed, if, for reasons to be recorded, it considers that the issue of such notice would cause unreasonable delay or would defeat the ends of justice.”*

7. It is an admitted position that the decree in question was passed on 24<sup>th</sup> November, 2014. The execution petition has been filed in November, 2025, i.e., after a lapse of more than two years from the date of the decree. So, issuance of notice to the petitioner under Order XXI Rule 22 CPC was mandatory and in case the Execution Court intended to dispense with such notice, it was incumbent upon the Court to pass a reasoned order.

8. The impugned order reads as under:

*“Report of the Nazir perused. As per the report, no appeal has been filed by the DH and the execution petition has been filed after two years of decree.*

*Issue Warrant of attachment in respect of the movable properties against the JD on filing of PF.”*

9. A perusal of the impugned order shows that no reasons have been recorded by the Execution Court in dispensing with the notice to the petitioner, as required under Order XXI Rule 22 of CPC. Accordingly, the impugned order cannot be sustained and is set aside.

10. Learned Counsel for the petitioner/JD submits that the petitioner has already entered appearance before the Execution Court and undertakes to appear before the Trial Court on the next date of hearing, i.e., 09<sup>th</sup> July, 2026. The Execution Court to proceed further with the execution proceedings in accordance with law. All the rights and contentions of the parties are left open.



2026:DHC:3825



11. The petition is disposed of in the above-stated terms. Pending application(s), if any, also stands disposed of.

**RAJNEESH KUMAR GUPTA, J**

**MAY 05, 2026/sds/tp**