



2026:DHC:1683



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

Date of Decision: 25th February, 2026

+ CM(M) 397/2026, CM APPL. 11526/2026 & CM APPL. 11527/2026
M/S MODERN CONSTRUCTION CO.Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with
Mr. Aman Bhalla, Ms. Farheen
Intakhab, Mr. Neeraj Kumar and Mr.
Keshav Monga, Advocates.

versus

M/S HITECH ENTERPRISESRespondent
Through: Mr. Parveen Kumar Aggarwal,
Advocate.

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 under Article 227 of the Constitution of India, assailing the impugned orders dated 13th February, 2026 and 13th January, 2026, passed by the learned Trial Court in *EX. (COMM) No. 147/2025*.
3. Learned Counsel for the respondent appears on advance notice and accepts notice.
4. It is undisputed that the execution is of the decree dated 21st October, 2024, and against the said decree, RFA (COMM) No. 68/2025 is pending.
5. Learned Counsel for the respondent submits that in the said RFA, stay of execution has been granted subject to fulfilment of certain conditions,



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which have not yet been complied with.

6. Learned Senior Counsel for the petitioner submits that the present petition challenges the procedure adopted by the executing court, as it is in violation of Order XXI Rules 12, 14 and 17 CPC.

7. Learned Senior Counsel for the petitioner has failed to show any law as to the maintainability of the petition under Article 227 Constitution of India against the order of the Execution Court as when the RFA is pending and stay of execution has already been granted in that RFA subject to compliance of certain conditions, because any order in the present petition would affect the matter which is sub-judice in the said RFA.

8. Accordingly, the present petition stands dismissed being not maintainable . Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 25, 2026/MR/ABK