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

+ **RFA 739/2023**

RAMESH KUMAR   .....Appellant

                Through: Mr. Harish Chandra, Advocate,

         versus

SANJAY GOEL   .....Respondent
                Through: Ms. Sangeeta Jalan, Advocate.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA
O R D E R
%   19.02.2025
[**Physical Hearing/Hybrid Hearing (as per request)**]

CM APPL. 46893/2023 (stay)

1.   In furtherance of the last order, both sides have appeared today with their respective counsel.

2.   It is contended by learned counsel for respondent that on the very first date, counsel for appellant misled the predecessor bench into believing that the appellant is agreeable to execute sale deed of the property in question in favour of respondent upon payment of balance sale consideration, as if the dispute was of specific performance of agreement to sell, whereas the dispute between the parties was for payment of money. The impugned judgment and decree was for payment of money. Further, in an effort to mislead the predecessor bench counsel for appellant specifically stated that ad interim orders of injunction were not being pressed at that stage. Thereafter, the matter kept getting adjourned for one or the other reason and

on last date when the matter came before this bench, neither side appeared.

3.   Today it is admitted by appellant side that appellant is not owner of the property alleged. It is also admitted by both sides that proceedings for execution of the money decree are continuing.

4.   Under these circumstances, this is certainly not a fit case to grant discretionary relief of stay on operation of the impugned judgment and decree. Therefore, the stay application is dismissed.

CM APPL. 2549/2025 (under Section 151 CPC), & RFA 739/2023

5.   Opportunity is granted to appellant to address on the next date as to why the appeal be not dismissed in view of above circumstances and why in the above circumstances, contempt proceedings be not initiated against the appellant.

6.   Relist on 25.08.2025.

GIRISH KATHPALIA, J

FEBRUARY 19, 2025/*ry*

Click here to check corrigendum, if any