



2025:DHC:10980



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

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Date of Decision: 06.12.2025

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CM(M) 2915/2024 & CM APPL. 39035/2024

VAKEEL AHMED

.....Petitioner

Through: Mr. Naushad Ahmad Khan,
Advocate.

versus

KAMLESH GUPTA

.....Respondent

Through: Mr. Sachin Gupta and Mr. Rohit
Pradhan, Advocates.**CORAM: JUSTICE GIRISH KATHPALIA****ORDER (ORAL)**

1. This petition was filed by the judgment debtor, assailing orders dated 17.05.2022, 02.06.2023, 29.04.2024 and 31.05.2024 of the learned execution court. However, by way of order dated 15.07.2024, the petitioner/judgment debtor withdrew the challenge against order dated 02.06.2023. As such, presently, only three orders are assailed in this petition.

2. I have heard learned counsel for both sides. The only argument advanced by learned counsel for petitioner/judgment debtor is that the petitioner had already restored possession of the subject property to the present respondent/decreed holder in the month of October 2014. No other

CM(M) 2915/2024

Page 1 of 4 pages

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2025:DHC:10980



argument has been advanced. On the other hand, learned counsel for respondent/decree holder supports the impugned orders and contends that the petitioner/ judgment debtor is trying to hoodwink the courts at different levels.

3. By way of order dated 17.05.2022, the learned execution court dismissed the objections of the petitioner/judgment debtor and directed issuance of warrants of possession of the subject tenanted property as well as warrants of attachment of the movable properties for recovery of the outstanding *mesne* profits. By way of order dated 29.04.2024, the learned execution court recorded the outstanding arrears to the tune of Rs.17,44,363/- and after elaborate discussion, rejecting the contention of the petitioner/judgment debtor that possession of the subject tenanted property stood handed over to the present respondent/decree holder, directed police assistance to break open locks of the premises concerned in view of aggressive resistance raised on behalf of the petitioner/judgment debtor. By way of order dated 31.05.2024, the learned execution court by way of reasons recorded in the order allowed the application of the present respondent/decree holder and directed issuance of arrest warrants against petitioner/judgment debtor. Hence, the present petition.

4. As mentioned above, the only argument advanced on behalf of petitioner/judgment debtor is that he had handed over possession of the subject tenanted property to the respondent/decree holder in the month of October 2014, when admittedly the suit was pending before the trial court.

CM(M) 2915/2024

Page 2 of 4 pages

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2025:DHC:10980



bearing no.CM(M) 446/2023 was filed by some persons claiming themselves to be the legal representatives of brother of the present petitioner and those persons assailed rejection of their objection related to identity of the subject property. Today itself, after addressing partly, learned counsel for those petitioners withdrew the petition CM(M) 446/2023.

8. The above conspectus leaves me in no doubt that the petitioner/judgment debtor is trying to somehow resist the execution of the decree by protracting the proceedings, so that the respondent/decree holder abandons the litigation in frustration.

9. I find absolutely no infirmity in any of the orders impugned in the present proceedings, so all impugned orders are upheld.

10. The present petition is not just completely devoid of merits but is absolutely frivolous and brought with *mala fide*. Therefore, the petition and the accompanying application are dismissed with costs of Rs.25,000/- which shall be paid by the petitioner/judgment debtor to the respondent/decree holder within one week.

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(JUDGE)

DECEMBER 06, 2025/ry

CM(M) 2915/2024

Page 4 of 4 pages

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