

EDINA SARAH NEYBURG Vs. MOHIT DAS

08.07.2026

Present: Sh. Jitender Kumar, Ld. Counsel for DH.
None for JD.

Despite repeated calls JD has failed to put appearance and further, despite opportunity he has not filed any objections to the subject execution. Ld. Counsel for DH submits that warrants of arrest may be issued against the JD and his application seeking such arrest is already pending.

Heard. Record perused.

No doubt, Section 51 of CPC prescribes arrest and detention in civil prison of the JD as one of the modes to secure satisfaction of a decree but at the same time, the proviso (b) to the same section warrants exercise of such extreme step only if JD has means to pay but refuses or neglects to pay the same. DH has not placed on record any material for the court to draw an inference that JD is deliberately not making the payment of the decretal amount despite having sufficient means to pay. Perusal of the record would reveal that this Court had vide order dated 20.03.2026 issued warrants of attachment of movable assets of the JD but as per the report of bailiff, the movable assets present in the house of JD were not sufficient to satisfy the decree.

Considering all the facts and circumstances of the present case a direction is issued to the DH to file list alongwith affidavit of any other movable or immovable assets including bank accounts etc. of the JD. Further, JD is also directed to file an affidavit of his assets in terms of Order 21 Rule 41 CPC.

Be listed for **14.08.2026**.

(CHANDER MOHAN)
District Judge-14, LAC,
Central, THC, Delhi/08.07.2026