

Ex No. 14/25  
Jitender Yadav vs. Pawan Kumar Sharma

02.05.2026

Present: Sh. Karanjeet Kumar & Sh. Ujjwal Agarwal,  
advocates for decree holder.  
JD with Sh. Kailash Sharma, advocate in VC.

On the last date of hearing i.e. 18.04.2026, JD requested to talk with the decree holder for compromise and accordingly, the present execution was passed over and the decree holder was called in person in the court. The decree holder later on appeared who showed no willingness to settle the matter or to give any concession to the JD and instead demanded the entire decreed amount. Thereafter, time of one week was sought on behalf of the JD, so that he can talk with the decree holder out of court to convince him by stating that decree holder is under some influence and the JD will directly talk with him for settling the matter. Accordingly, the case was adjourned for today but counsel for decree holder informed that no talk took place between the parties as the JD has not approached or contacted the decree holder after last date of hearing.

In the last order, the directions were given to the JD also to make the entire balance payment to the decree holder failing which coercive action will be taken. However, today, the JD has not appeared physically in the court nor had deposited any balance amount. According to the last report of the Nazir, sum of Rs.2,55,761/- was due as on 18.04.2026 and this amount might have increased to some extent.

As per record, decree holder had filed a suit for recovery

of Rs. 3,50,000/- under Order 37 CPC on the basis of one dishonoured cheque issued by the JD. This suit was decreed on 07.10.2024 as the JD despite service of the summons did not file any appearance application within the prescribed period and later on he moved an application for condonation of delay which was rejected. As per decree, the JD was to pay Rs. 3,50,000/- with pendentalite and future interest @ 8% per annum alongwith cost of the suit.

Subsequently, JD moved an application under Order 37 Rule 4 CPC for setting aside the decree dated 07.10.2024 which was dismissed on 22.11.2024. Review application filed by the JD was also dismissed on 16.05.2025. JD, then approached the Hon'ble High Court where his petition was dismissed on 07.11.2025 and the decree dated 07.10.2024 became final. JD again filed another appeal against the decree dated 07.10.2024 which was also dismissed by the Hon'ble High Court recently on 16.04.2026. The said order is not challenged further by the JD. It is important to mention here that JD also filed objection application under Section 47 CPC in the present execution which was dismissed by this court on 24.03.2026.

In the present execution, warrants of attachment of the movable property of the JD were issued but it could not be executed as the JD was not found at the address and no movable property for the purpose of attachment was found at the address as per report of the bailiff dated 21.07.2025. Thereafter, vide order dated 19.01.2026, arrest warrants were ordered to be issued against the JD after the dismissal of the appeal by the Hon'ble High Court vide order dated 07.11.2025. However, the JD moved application for cancellation of warrants and also filed

objection application under Section 47 CPC on 24.01.2026. He also stated that under Section 51 CPC arrest warrants cannot be issued unless a show cause notice is given to him.

Vide order dated 28.01.2026, the JD was permitted to deposit 50% of the principal amount of the decree (i.e. Rs. 1,75,000/-) as per his undertaking given and for the time being, the arrest warrants were stayed until the objection application under Section 47 CPC is decided. The JD instead of depositing the 50% amount equivalent to Rs. 1,75,000/- only deposited Rs. 1,50,000/- and thus, violated his own undertaking given in the court on 28.01.2026. He, vide order dated 13.03.2026, was also directed to deposit the balance amount of Rs.25,000/- by extending the time which order was also not complied with by him. Even the JD moved an application dated 13.02.2026 for extension of time to deposit the balance amount as per his undertaking and that was also not complied with.

At last, the objection application moved by the JD under Section 47 CPC was rejected on 24.03.2026 and again time was given to deposit the balance amount on or before 18.04.2026 with clear warning that he can be sent to civil imprisonment in case of non deposit of the balance amount.

When the matter was taken up on 18.04.2026, it was found that JD has not deposited the balance amount and instead requested for calling the decree holder in person in the court for compromise. The decree holder was called on the same day who refused to settle the matter with the JD and instead demanded the entire decreed amount. The JD again requested for giving one week time to personally talk with the decree holder out of court to influence him to settle the matter by stating that he was under

some influence but now it has been reported on behalf of the decree holder that neither JD approached the decree holder nor contacted him and infact he is trying to linger on the matter in order to avoid making balance payment. Sum of Rs.1,50,000/- already deposited has been handed over to the decree holder and still as per Nazir, sum of Rs.2,55,761/- was due as on 18.04.2026.

Today, again the counsel for the decree holder requested for issuing of arrest warrants against the JD who is avoiding to appear in person in the court and is appearing through VC as well as intentionally is not making balance payment. The counsel for JD raised objection that no arrest warrants can be issued without any written application simply on the basis of oral submissions of the counsel for the decree holder but in this regard, his submission is liable to be rejected because the court can entertain the oral request also for a particular purpose. Moreover, in prayer clause of the execution, the decree holder had already made a prayer for issuing of the arrest warrants against the JD, if he fails to make the payment and the notice of this execution was already served upon him. It means that the JD knew that the decree holder already made prayer to the court for issuing of the arrest warrants against him since beginning. Thus, there is no requirement on the part of the decree holder to apply a fresh in writing for issuing of arrest warrants. The verbal prayer made in continuation of the prayer clause of the execution is sufficient.

Counsel for the JD also stated that without issuing any show cause notice to the JD as required under Section 51 CPC, no arrest warrants can be issued straightway as the JD is required to be given an opportunity to show cause why he should not be committed to prison. In this regard, the order dated 28.01.2026

can be referred wherein it was also held that objection application filed by the JD can be treated as a response of the show cause notice under proviso of Section 51 CPC. Even a fresh formal notice can be given to him in this regard. However, keeping in view the facts and circumstances of the case that the JD is the habit of violating court directions again and again and even not complying with his own undertaking and also the orders passed by the Hon'ble High Court and instead raising one ground or another to avoid making payment and ignoring the warnings given by the court from time to time, now no ground exists to issue any fresh show cause notice to him before passing an order of issuing of arrest warrants against him.

JD who has lost upto the Hon'ble High Court twice is again taking same ground that he is not liable to make payment. Now the decree has already been confirmed again by the Hon'ble High Court vide order dated 16.04.2026 and virtually the dismissal of the objection application by this court vide order dated 24.03.2026 is also deem to have been confirmed as the Hon'ble High Court even referred this order dated 24.03.2026 in its order dated 16.04.2026. Thus, atleast the JD is required to honour the orders of this court as well as Hon'ble High Court but apparently, he is not taking care of anything. A litigant who has no respect of the court orders including of the Hon'ble High Court, is not caring the warnings given by this court, not complying with his own undertaking dated 28.01.2026 as well as raising same grounds which are rejected upto Hon'ble High Court clearly indicates that the JD has no intention to pay the balance amount. There is no hesitation to say that the JD knowingly and intentionally violating the court decree and unless

the extreme and harsh steps are not taken, the JD will not make the payment to the decree holder easily. Virtually, he has already been given through various court orders, a deemed show cause notice indirectly and also by treating his objections as the reply of the said show cause notice, so now no ground exists for taking any lenient view against him. The arguments advanced by the counsel for the JD that without issuing fresh show cause notice, the warrants cannot be issued is hereby rejected.

Let warrants of arrest be issued against the JD on PF for **30.05.2026** to be executed by the SHO concerned of the area in whose jurisdiction the JD is residing. SHO is directed to execute the arrest warrants through an officer not below the rank of Sub Inspector. Nazir is directed to give fresh calculation of the amount due as on date and accordingly, it be mentioned in the arrest warrants that in case the JD deposits said amount with the Executing Officer either in cash or through demand draft in the name of the decree holder, then warrants of arrest need not be executed, otherwise, he should be arrested and be produced in the court.

(Ashwani Kumar Sarpal)  
Principal District & Sessions Judge  
East District, KKD Delhi/02.05.2026