

28 EX. CIVIL 350/24 Kaushalya Devi Vs. Sanjay Chaudhary
27.03.2026

Present: Sh. Pradeep Awasti and Sh. Sunil Dahiya, Ld.
Counsels for the DH
Sh. Sanjay Mann, Ld. Counsel for JD (through VC).

1. In consonance of the order dt. 25.02.2026, PF was filed by the DH but subsistence allowance was not deposited. In view of that warrant of arrest was not issued against the JD. In the present case, Rs. 48,56,833/- is to be paid by the JD. Further, perusal of the settlement agreement dt. 06.09.2025 reveals that the parties had settled, in both the cases, their dispute for an amount of Rs. 1.5 crores and the JD agreed to pay the amount in installments. Till date, amount of Rs. 25 lakhs has been paid by the JD.
2. The Ld. Counsel for JD submits that he has been recently engaged and he further submits that JD is not shying away from making the payment and therefore he needs further two months time. Therefore, in this regard, an application u/o 21 Rule 37 and 40 CPC read with Section 151 CPC is filed seeking to recall/ cancellation of warrant of arrest. Copy supplied to the opposite party. Heard. Considered. I am of the view that the application filed by the JD is nothing but abuse of process of court as JD consciously and out of his free will joined the mediation and he made a statement that he will make payment of Rs. 1.5 crores to the DH in installments. It is also pertinent to mention herein that in both the matters entire decretal amount comes down to almost Rs. Two crores along with interest and during the mediation it was settled for Rs. 1.5 crores.

3. Keeping in view the above facts and circumstances and the recalcitrant attitude of the JD, application stands dismissed.
4. At this stage, It is informed by the Ld. Counsel for DH that there is car bearing registration no. DL 9CBA6667 standing in the name of the JD. The same may be impounded and put to auction.
5. Issue Warrants of attachment be issued with respect to movable properties of JD, as per list attached, on filing PF and filing affidavit verifying that there is no stay.
6. Be put up before Ld. ACJ on 15.04.2026 for appointment of Bailiff and before this court on 08.05.2026 for further proceedings, as per law. The bailiff is directed to seek police aid in case required or any impediment is created by the JD. Steps be taken within one week.
7. In consonance of the order dt. 27.09.2024 wherein JD was directed to not to create any third party interest in the aforesaid car in any manner. Be complied with.
8. Let Warrants of arrest be issued against the JD on filing of PF and depositing subsistence allowance as per rules and filing affidavit verifying that there is no stay, to be executed through the concerned DCP on filing of PF within two weeks, returnable on 08.05.2026.
9. ***Nazir is directed to mention on the warrants of arrest that the report be sent by the concerned Deputy Commissioner of Police through a Special messenger not below the rank of Sub Inspector.***

(Akbar Siddique)
DJ-04, North, Rohini Courts,
Delhi/27.03.2026