

EX 805/19

SURESH CHAND AGGARWAL Vs. HARI OM GUPTA

13.02.2024

Present: DH in person.

Mohd. Danish, Id. Counsel for JD with son of JD.

Despite specific directions, JD has not appeared before the court in pursuance to the notice u/o 21 Rule 37 & 38 CPC nor furnished any explanation to the show-cause notice as to why he should not be committed to civil imprisonment on account of non-satisfaction of the decree for payment of money in question.

At this stage, Id. Counsel for JD submits that JD is willing to make the payment and has brought a cheque of Rs.1 Lakh towards the part payment of decree in question. However, he fails to provide any time line or duration in which he undertake to make the entire payment. On the other hand, DH submits that cheque of merely Rs.1 Lakh towards the decree in question of Rs.8,50,000/- with accruing interest since 2019 is not acceptable to him and he wishes to pursue the present execution petition.

Submissions heard. Record perused. Considered.

Since the JD has not furnished any plausible explanation nor made the payment despite opportunities being granted towards satisfaction of decree and considering the fact that even he has not deposited the amount on which conditional leave to defend was granted to him during the trial, it can be safely gathered that he is deliberately delaying the satisfaction of the decree. Accordingly, the application filed by the DH seeking issuance of warrant of arrest of JD is disposed off as allowed.

Contd...

Let warrant of arrest be issued against the JD upon deposit of subsistence allowance u/o 21 Rule 38 CPC and filing of PF to be executed through SHO concerned for NDOH.

Put up for further proceedings on **23.03.2024**. At request, copy dasti.

(Ajay Garg)
Additional District Judge-01
(East), KKD Court, Delhi/13.02.2024