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EX. No. 237/22
VIJAY KUMAR Vs. S K SHARMA

12.11.2025

Present : Sh. Saroj Kumar Singh, Ld. Counsel for the DH
alongwith DH.
Sh. Sashikant Gautam and Sh. Shubham, Ld.
Counsel for the JDs.

Ld. counsel for the DH submits that today DH has received amount of Rs. 50,000/- from the JDs.

Ld. counsel for JDs submits that JDs have made substantial payment to the DH.

Ld. counsel for the DH requests that warrants of arrest may be issued against the JDs.

Submissions heard. Record perused.

Perusal of the record shows that on 17.09.2025, Ld. counsel for the JDs submitted before the court that remaining payment of decretal amount alongwith interest shall be made within one month. However, since then, only payment of Rs. 50,000/- has been made by JDs to the DH that too today only.

As per report of Nazir, as on date, Rs. 7,92,000/- is still outstanding towards payment of decretal amount alongwith interest.

Perusal of the record shows that on 03.06.2025, JD No. 2 appeared before the court and undertook on her behalf as well as on behalf of JD no. 1 to make the entire payment of decretal amount alongwith interest by August 2025.

It is seen that present execution petition has been pending for more than three years and on every date of hearing submissions are being made on behalf of the JDs that complete payment shall be made as soon as possible. JDs have caused unnecessary harrasment to the DH and DH has been made to bear litigation cost to pursue the present execution petition as JDs are not paying complete decretal amount alongwith interest.

Today also, there is no proposal on behalf of the JDs as to when the remaining payment shall be made except the submissions that JDs have paid a substantial amount to the DH.

The conduct of the JDs have been dilatory, vexatious and aimed at harassing the DH as well as waste the precious time of the court. The DH has been made to run from pillar to post to recover the decretal amount for more than three years. Further, on account of such dilatory tactics and willful neglect of the JDs in making payment of the entire decretal amount alongwith interest, the present execution petition has been pending before the court for more than three years.

The Hon'ble Supreme Court in the matter of **Periyammal (Dead) through LRS vs. Rajamani and Rahul S. Shah v. Jinendra Kumar Gandhi**, (2021) 6 SCC 418, held that the execution proceedings to be completed within six months from the date of filing.

Therefore, in view of aforesaid judgments of the Hon'ble Supreme Court of India and dilatory tactics of the JDs,

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let warrants of arrest be issued against JD no. 1/ Sh. Subhash Kumar Sharma @ S. K. Sharma on filing of the PF to be executed through SHO concerned on deposit of subsistence allowance by DH, returnable on NDOH. **Steps be taken within 04 working days.**

Put up for filing of report by concerned SHO on the warrants of arrest against JD no. 1 / further proceedings on **21.11.2025.**

In case warrants of arrest remain unexecuted, concerned SHO is directed to be present in person before the court with explanation.

Ld. Counsel for DH is directed to file the latest statement of outstanding amount. DH shall also file an affidavit alongwith PF that there is no stay from the Higher Court on the present execution proceedings.

As requested, copy of this order be given Dasti to Ld. counsel for DH.

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/12.11.2025 ^(R)