

IA no. 02/2025 in Ex. No. 237/2022
Vijay Kumar Vs. S. K. Sharma & Anr.

17.11.2025

File is taken up today on moving of an application on behalf of JD no. 1 / S. K. Sharma seeking cancellation of arrest warrants of JD no. 1 and permission to pay the remaining decretal amount in installments.

Present : DH in person.
Sh. Ajay Kumar Gond and Shubham Ld. Counsel
for the JD no. 1 alongwith son of JD/ Deepak
Sharma.

Ld. counsel for JD no. 1 submits that after LDOH, payment of Rs. 1 lakh has been made by JD no. 1 to DH.

DH, who has appeared in response to the advance notice of the present application, confirms the same and submits that the amount of Rs. 6,92,000/- is still outstanding towards payment of the decretal amount along with interest.

In the instant application, it is stated on behalf of JD no. 1 that substantial payment of the decretal amount has been made by the son of JDs, and JDs are currently in a difficult financial situation. It is further submitted that the payment which has been made so far has been made by the son of JDs, who is a practising Advocate, and the JDs are ready and willing to make the remaining payment of the decretal amount along with interest in installments. In view of the aforesaid submission, it is prayed the warrant of arrest issued against the JD no. 1/Sh. S. K. Sharma be stayed.

DH, appearing in person, vehemently opposes the present application for cancellation of the warrant of arrest.

Submissions heard on the application. Record perused.

Perusal of the record shows that in the present a decree dated 06.08.2022 was passed in favour of the DH and against the JDs for a sum of Rs. 12,00,000/- along with interest @6% per annum from the date of filing of the suit till realization. The present execution petition was filed by the DH on 22.10.2022. On 23.12.2024, Ld. counsel for JDs informed the court that payment of Rs. 4.5 lakh had been made on behalf of JDs to the DH, and the remaining payment would be made by mid-February 2025. However, the JDs failed to make the payment of the entire remaining decretal amount and interest, even though part payment was made from time to time. Thereafter, on 03.06.2025, JD no. 2 appeared before the court, physically and JD No. 1 through VC and submitted that so far total payment of Rs. 9 lakhs has been made. JD no. 2 on 03.06.2025 undertook on her behalf as well as on behalf of JD no. 1 to make the entire payment of the decretal amount along with interest by August 2025. However, the JDs failed to comply with the said undertaking regarding payment of the entire decretal amount and interest thereof.

Further, on 17.09.2025, Ld. Counsel for JDs appeared through VC and submitted before the court that a further payment of Rs. 1,00,000/- has been made on behalf of the JDs to the DH and the entire remaining payment of the decretal

amount along with interest shall be made within one month. However, again, the JDs failed to make the payment of the entire remaining decretal amount and interest.

During the hearing on the instant application, on behalf of the JDs, an offer has been made by the son of the JDs that the payment of the remaining decretal amount and interest of Rs. 6,92,000/- shall be made by the end of March 2026. However, the said offer is not acceptable to the DH.

This Court is of the view that the conduct of the JDs has been dilatory, vexatious, and aimed at harassing the DH, as well as wasting the precious time of the court. The DH has been made to bear unnecessary litigation costs to pursue the present execution petition for no fault of his. Further, on account of such dilatory tactics and willful neglect of the JDs in making payment of the entire decretal amount along with 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**, observed that the execution proceedings to be completed within six months from the date of filing of the execution petition.

Furthermore, considering the past conduct of JDs in failing to fulfill their undertakings before the court, the proposal made on behalf of JDs in the instant application, as well as during the hearing regarding the payment of decretal amount along with interest, does not inspire the court's confidence.

Considering all the facts and circumstances of the case, the court is of the view that there has been a wilful and deliberate neglect on the part of the JDs in not making the remaining payment of the decretal amount, along with interest. Thus, no grounds are made out for the cancellation of the warrant of arrest issued against JD No. 1, vide order dated 12.11.2025. Hence, the instant application filed by JD No. 1 stands dismissed.

Put up on date already fixed, i.e. **21.11.2025**, for the purpose fixed.

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/17.11.2025 ^(R)