

Misc DJ No.3873/24
Luxmi Dutt Vs. Tarun

20.02.2026

Present : Mr. Rajiv Rekhari, Ld. Counsel for claimant.
Mr. Aditya Kaul, Ld. Counsel for the respondent.

Ld. Counsel for the respondent admits that the amount directed by the Hon'ble High Court has not been deposited and therefore, the stay granted by the Hon'ble High Court does not operate.

He has filed an application under Section 51 r/w Order 21 Rules 37 & 40 of CPC for objection to arrest and detention in civil prison.

Copy of the application supplied to the Ld. Counsel for the claimant.

It is the submission of Ld. Counsel for the respondent that the respondent does not have any assets.

The said averment is denied by the Ld. Counsel for the claimant.

Record discloses that during pendency of the Detailed Accident Report, the Police was directed to file details of the assets of the respondent.

In response, a report dated 16.09.2016 was received in which it is stated that the respondent indeed does not have any assets. However, the basis on which the police arrived at this conclusion has not been disclosed.

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Before concluding that the respondent indeed does not have any asset, proper enquiry should have been done by the police.

Issue notice to the SHO of the concerned police station with direction to carryout proper enquiry to ascertain details of the assets of the respondent.

For this purpose, the police may ascertain the employment details of the respondent, the money earned from those employment, how that money was utilized, whether there were any savings of the respondent, whether there is any bank account of the respondent, entries of the bank account should be analyzed, bills of all articles found at the residence of the respondent should be considered to ascertain ownership of those articles, how rent was being paid for the residence of the respondent, if it is claimed that it was the mother of the respondent who was paying rent, to verify such assertions, means of the mother should be ascertained, etc.

At the request of Ld. Counsel for the claimant, it is directed that proper enquiry about the assets should be done at the native place of the respondent.

Copy of this order be sent alongwith the notice.

To come up on 06.04.2026.

(Shirish Aggarwal)
Judge/ PO, MACT-01
New Delhi, 20.02.2026