

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

06.04.2026

Present : Mr. Rajiv Rekhari, Ld. Counsel for claimant.
Mr. Aditya Kaul, Ld. Counsel for the respondent
alongwith respondent in person.
SI Mohit in person.

Application of the respondent raising objections to arrest and detention is taken up for consideration.

It is stated in the application that since the respondent does not have means to make payment, he cannot be arrested and detained in civil prison.

Status report is filed by SI Mohit. As per his report, the respondent owns certain movable and immovable properties.

In view of the report, it appears that the respondent is falsely claiming that he does not own any assets.

It is pertinent to note that the respondent obtained a stay order from the Hon'ble High Court on 24.12.2025 by which it was directed that subject to deposit of the awarded amount, execution of the award shall remain stayed.

At the time of passing of order, Ld. Counsel for respondent, who was present before the Hon'ble High Court never mentioned before the Hon'ble High Court that the respondent does not have means to deposit the awarded amount.

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Had this been disclosed, the Hon'ble High Court may not have stayed the execution proceedings, which are otherwise considered to be urgent in nature because of which the Hon'ble Supreme Court has given standing instructions that execution cases are to be disposed off within six months.

In the present case, the respondent drove and owned an uninsured vehicle and caused a motor accident which resulted in death of a person. Award was passed against him for payment of compensation within a prescribed time period. He did not make payment of compensation.

He assailed the award before the Hon'ble High Court and concealed material information and by doing that, he obtained a stay on the execution proceedings.

Now he comes to the Tribunal and argues that he cannot even be arrested, even though this Tribunal has not even initiated proceedings for arrest of the respondent. The application of the respondent is pre-mature. He is only trying to delay the execution proceedings.

He may have been able to even influence the SDM who in his undated report stated that he is unable to trace the respondent.

For the above reasons, the application of the respondent raising objections to arrest is dismissed.

Issue notice to the concerned DM with direction to positively ensure that proper proceedings are conducted for recovery of the awarded amount for which recovery certificate was sent to the SDM in pursuance of order dated 16.05.2025.

Copy of this order, the undated report of the SDM and of the status report filed by SI Mohit be sent to the DM alongwith notice.

Since in the report of SI Mohit, it is stated that reply from banks of the respondent is yet to be received, SI Mohit is directed to file fresh status report regarding assets of the respondent by the next date of hearing.

To come up on 22.05.2026.

(Shirish Aggarwal)
Judge/ PO, MACT-01
New Delhi, 06.04.2026