

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

22.05.2026

Present : Mr. Rajiv Rekhari, Ld. Counsel for claimant.
Mr. Aditya Kaul, Ld. Counsel for the respondent
alongwith respondent in person.
Mr. Naveen from the office of SDM, Nangloi Jaat.
IO SI Mohit in person.

Status report and documents are filed by the IO. Copy of the status report is supplied to Ld. Counsel for the respondent.

Status report of the SDM is also filed. It is stated in his status report that notice dated 18.05.2026 was issued to Mr. Tarun Kumar asking him to deposit the decretal amount. It is stated that if Mr. Tarun Kumar fails to deposit the amount, then necessary action will be taken against him.

Record is perused.

Recovery certificate issued to the SDM was served way back on 16.06.2025.

Almost one year has passed since then and till now the SDM has only issued a notice to the judgment debtor. No reasons have been disclosed why steps were not taken by the Executive Magistrate prior to 18.05.2026 and immediately after service of recovery certificate on 16.06.2025.

On the last date of hearing, the DM was directed to ensure that proper proceedings are conducted for recovery of award amount.

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Despite service of notice upon the DM for compliance of this direction on 29.04.2026, the SDM has not taken effective steps for recovery of the amount in the manner adopted for recovery of arrears of land revenue.

In the case of Periyammal vs. Rajamani, Civil Appeal No. 3640 of 2025 decided by the Hon'ble Supreme Court on 06.03.2025, it was strictly directed that execution petitions are to be disposed off within six months. The following was held in this case:

“...the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side.”

Execution proceedings are to be concluded within six months. Present case has been pending since almost one and a half year primarily due to lapses of the Executive Magistrates. It appears that a nexus has been formed by the junior level Executive Magistrate in the rank of Tehsildar till the senior most Executive Magistrate in the rank of District Magistrate to scuttle the execution process, due to which the present case is still pending.

The claimants who are parents of a victim of a motor accident who suffered fatal injuries way back on 24.09.2015 i.e. around 11

years back and are yet to get compensated for the same.

Ld. Counsel for the decree holders has submitted that the decree holders are facing grave hardship and financial difficulties.

Even in other cases, due to lack of action on the part of the SDM and the DM, recovery proceedings could not be concluded. Even warrants had to be issued against the DM in another case. Yet, the conduct of the Executive Magistrates has not changed.

Since despite service of notice upon the District Magistrate, no response has been received from him and since no effective recovery proceedings have taken place, issue bailable warrants in the sum of Rs.50,000/- with one surety in the like amount against the concerned District Magistrate to be executed by the DCP, New Delhi.

To come up on 03.07.2026.

(Shirish Aggarwal)
Judge/ PO, MACT-01
New Delhi, 22.05.2026