

EX 112/22

THE JAMMU AND KASHMIR BANK LTD Vs. PUSHPA
MITTAL AND ANR

06.01.2026

Present: Ld. Counsel for decree holder with Bank Manager
ACP Vivek Tyagi alongwith SHO Rajinder Singh PS
New Usmanpur.
Ld. Counsel for JD No. 2.

1. Despite specific directions passed by this Court that report qua arrest of JD be filed under the signatures of worthy Commissioner of Police, yet again a stereotypical report has been filed in the Court under the signatures of DCP concerned. This is in clear breach of the directions passed by this Court.
2. Perusal of file shows that multiple times warrants have been sent against JD No. 2 and efforts are made on paper only to arrest him.
3. Let a fresh report be called under the signatures of Ld. Commissioner of Police as to why the order dated 26.12.2025 has not been complied in letter and spirit.
4. Counsel for JD No. 2 has moved an application U/S 151 CPC seeking cancellation of warrants of arrest issued against JD No. 2. The same is purportedly signed by JD No. 2 but no affidavit therewith is annexed. Counsel submits that this Court did not record any finding that despite availability of assets, JD No.2 has not made payment under the decree and therefore, the warrants of arrest in this case should be recalled.
5. I may note that some payment, after JD No. 2 was arrested for the first time, was made by JD No. 2 to the concerned decree

holder. Thereafter, some payment was also made on 04.03.2024 to the bank and both the JDs herein even entered into an OTS scheme with the bank. Counsel for decree holder submits that this itself shows that JDs have assets which they are concealing.

6. Considering the above, in my humble opinion, *inter alia* JD No. 2 is intentionally avoiding appearance before this Court and therefore, the only mode to execute the decree is by causing his arrest. In fact, I may note that on 19.10.2024, when JD No. 2 was arrested for the first time, he was released on the said date as he undertook to settle the matter and pay the decree holder. Thus, this also shows that JD No. 2 took benefit of the Court's order and has since refused to appear in Court.
7. In such circumstances, in my humble opinion, the application is misconceived. It is dismissed.
8. Let fresh warrants of arrest against JD No. 2 be issued to be executed through Ld. Commissioner of Police. In case the same remain unexecuted, let a written explanation under the signatures of Ld. Commissioner of Police be filed in Court.
9. List on 10.02.2026.
10. Let senior official at least of the rank of Regional Manager of the bank/decreed holder remain physically present in the Court on next date.

Aashish Gupta
DJ-01/NE/KKD/DELHI
06.01.2026