

EX 112/22

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

12.02.2026

Present: Mr. Avadhesh and Mr. Ayush Singh, Ld. Counsel for decree holder with Md. Yunis, Branch Manager and Mr. Alfas Ahmad, Manager (law department).
Ld. Counsel for JD No. 2 through V.C.
JD No. 1 in person.
JD No. 2 produced from civil imprisonment.

1. JD No. 2 has filed copy of a sale deed registered on 18.01.2019 wherein it is recorded that he received a sum of Rs. 34 lac from his son Nikhil Mittal in lieu of the **first floor** of the property bearing No. J-15/6, Khasra No. 666 min., Village Ghonda, Gujran Khadar, Jai Prakash Nagar, Delhi-110053. Thus, as per the documents filed by the JD No. 2 himself, it transpires that JD was in receipt of funds after the passing of decree to satisfy the decree and thus, his claim that he does not have money to pay appears to be incorrect.
2. As noted in last order, JD No. 1 (wife of JD No. 2) never appears and only after the arrest of JD No. 2, she has started appearing in Court since last date. Counsel for JD No. 2 submitted that since JD No. 1 has offered the **second floor** of the above property, therefore, JD No. 2 should be released from civil imprisonment. I am not inclined to accept the said argument because the liability of JD No. 1 to pay under the decree is **joint and several** under the decree under execution.
3. I may note that on the last date, bank/decreed holder had offered very fair terms to the JD to settle, despite which no money was

deposited. As per the documents produced today, it transpires that even though JD No. 2 had funds to satisfy the decree, he never paid money to the bank/decreed holder.

4. Since the liability of both the JDs is joint and several, JD No. 2 cannot argue that the asset of JD No. 1 should be used to satisfy the decree. In my humble opinion, JD No. 2 has intentionally failed to pay under the decree despite availability of funds and there is no other way to execute the decree qua him but to continue to keep him in civil imprisonment. Accordingly, let JD No. 2 be sent to civil imprisonment till 03.03.2026.
5. With respect to JD No.1, let warrants of attachment be issued qua second floor of the property bearing No. J-15/6, Khasra No. 666 min., Village Ghonda, Gujran Khadar, Jai Prakash Nagar, Delhi-110053 with roof rights. The Nazir shall prepare a calculation of the amount due and payable under the original decree and the warrants of attachment shall be sent through all modes specifying the amount payable under the decree. Let the amount for beat of drums be deposited and the attachment be brought to the notice of general public by way of beat of drums as well as by affixation on the property in question as well as outside the Court.
6. List before Ld. ACJ (NE) for appointment of bailiff on 19.02.2026.
7. List for appearance of JD No. 2 before the Court on 03.03.2026 and for report on attachment on 02.04.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
12.02.2026