

08.12.2023

Present: Decree holder in person is present with Ld Counsel Sh  
Pramod Tyagi.  
Judgment debtor in person is present with Ld Counsel Sh  
Sanjay.

In the meantime the application for cancellation of warrants of attachment of the movable property of the JD has been moved. The same has been fixed for today.

Heard on the application.

It is stated that JD was mentally disturbed/unsound mind for last two years and as such he could not appear before the court

Records perused.

The decree under execution is the money decree passed on 31.05.2023. Ld Counsel for JD has shown the prescription issued from IHBAS of the JD dated 12.02.2019. It is not mentioned in the prescription as to how the JD is mentally unhealthy or what is the diagnosis. The medicines as prescribed to the JD does not reveals any mental unsoundness of the JD as claimed by the Ld Counsel for the JD.

Another prescription is of year 2023 dated 07.11.2023 i.e. of 4 days after the present application was moved by the JD.

To the query of the court no medical prescription from Feb 2019 till December 2023 has been shown. In these circumstances there are no ground for cancellation of warrants of attachment of the movable property of the JD.

Application stands dismissed.

An application under Order XXI Rule 38 and 39 CPC has been moved on the behalf of DH for issuing of warrants of arrest of the JD. Copy supplied. Time sought to file the reply.

Reply be filed within ten days with an advance copy to the opposite party.

Put up on 15.01.2024 for disposal of application under Order XXI Rule 38 and 39 CPC.

(KAPIL KUMAR)  
ADJ-01/NE/KKD/DELHI  
08.12.2023