

04.01.2025

Present: Sh. Manmeet Singh, Ld. counsel for DH.  
None for JD.  
Sh. Kuldeep Singh, Asstt. General Manager, IDBI Bank.  
Bailiff Mr. Rajender, Employee Code No. 52711571, Nazarat  
Branch, North East, KKD Courts.

1. Mr. Kuldeep Singh submits that the account of JD sought to be attached is an over-draft account and a lien has already been marked against the JD. He submits that as and when any money is actually deposited by the JD in this account (after deducting the banking charges and money already taken as over-draft), the same shall be sent to the court.
2. Thus, as on date no recovery could be effected from the bank account of JD.
3. Court bailiff Mr. Rajender has appeared on issuance of bailable warrants and no reply has been filed by him explaining why warrants of attachment (marked to him by the concerned Ld.ACJ on 12.11.2024 for execution) in this case were not executed. On court query, bailiff initially claim that the Director of the DH refused to identify the property where warrants of attachment by breaking open of locks were to be carried out. But, when he was confronted with his own report dated 23.11.2024 (wherein he himself has recorded that Director of DH had identified the property) he claims that he he would have broken the locks "*to galat ho jata*". When the bailiff was asked to explain as to what wrong would have happened as there was

specific direction to break open the locks for execution of warrants of attachment and even police aid was given to him, he repeatedly claims that the said property was lying vacant and therefore he did not break open the locks.

4. Thus, it is apparent that firstly bailiff Rajender Singh has lied in court by claiming that DH did not identify the property on 23.11.2024 as the said identification is evident from his own report noted above. He then have given a evasive reply for the non-execution of the warrants of attachment despite orders.
5. I may note that counsel for DH has moved an application before this court praying for taking action against the bailiff wherein it is claimed that bailiff had refused to execute the warrants of attachment despite fervent pleas of counsel for DH. This is apparent from the conduct noted above.
6. The aforesaid conduct of the bailiff amounts to dereliction of duty and also of willful disobedience. I may note that even for securing the presence of bailiff Rajender Singh,ailable warrants had to be issued by this court to prod him to appear in court. This also shows his utter disregard for complying with court orders.
7. In such circumstances, let a show cause be issued to the said bailiff calling upon him to explain why appropriate departmental proceedings be not ordered against him for his failure as above.
8. Copy of this order is given dasti to bailiff Rajender Singh which shall serve as notice of show cause. He is directed to file his reply within three days from today.
9. List on 08.01.2025.

10. Since I have already taken cognizance of the conduct of bailiff concerned, the application of DH for taking action against bailiff stands disposed of.
11. Bailiff Rajender Singh is bound down for NDOH.
12. Copy of this order be sent to the Ld. ACJ, North East, KKD Courts for his information. Copy of this order be also sent to the PS of Ld. Principal District & Sessions Judge, North East, KKD Courts, Delhi for information.
13. Let copy of this order be also kept in a separate file for further action, if required against the bailiff Rajender Singh.

AASHISH GUPTA  
DJ-01/NE/KKD/DELHI  
04.01.2025