

JITENDER RATHOR VS. SUNIL DUTT SHARMA

06.03.2026

Present: Sh. Akhilesh Pandey, Ld. Proxy Counsel for the DH.
Sh. Shadan Parvez, Ld. Proxy Counsel for the JD
(through VC).
Sh. Jaspal, ASO/ Reader from the office of Sub-
Registrar-IV(A), Shahdara, Delhi in person.

Report filed on behalf of Sub-Registrar-IV(A), Shahdara, Dist. North-East, Delhi stating that the property bearing no.1/4414, Ram Nagar Extension, Shahdara, Delhi was earlier in the name of one Sh. Inderjeet Sharma and he has subsequently sold the same jointly to Sh. Vinod Kumar Soni, Sh. Santosh Kumar Soni, Sh. Suresh Soni and Sh. Dinesh Kumar Soni vide sale deed dated 18.04.2019 and JD Sh. Sunil Dutt Sharma was only the tenant in the suit property vide rent agreement dated 08.05.2015.

It is further reported that another property bearing no.A-15, Second floor, Mansarover Park, Shahdara, Delhi is also in the joint name of Ms. Shivani Goel and Sh. Nitin Agarwal vide sale deed dated 16.11.2018, and not in the name of JD herein.

Perusal of record shows that on 16.01.2026, it was stated by Ld. Proxy Counsel for JD that JD is residing somewhere in Dehradun, however till date the details of actual address of the JD has not been filed.

Further, vide order dated 10.01.2025 passed by this Court, JD was directed to appear in person and to file affidavit of his present address, however, neither the said affidavit has been filed nor the JD has appeared before this Court despite several directions in this regard.

Today also, Ld. Proxy Counsel for the JD could not give any plausible explanation for non-appearance of JD either in person or through VC to give the details of his present address.

Ld. Counsel for DH submits that JD is not residing in Dehradun as alleged and is malafidely evading the process of present execution petition just to harass the DH and warrants of arrest may be issued against him as he is deliberately not making payment to the DH for the purpose of satisfaction of present execution petition.

As per record, show cause notice has already been issued to the JD pursuant to the application U/s 55 CPC filed on behalf of DH, to explain as to why the Civil arrest of the JD may not be ordered for not paying the execution amount to the DH and for not complying the directions passed by this Court as stated above.

However, the Ld. Proxy Counsel for the JD has been appearing through VC and has neither filed any reply to the said show cause notice, nor given the details of the present address of the JD.

In view of the above, this Court holds that JD is deliberately evading the process and is not making payment of the decretal amount to the DH for the purpose of satisfaction of the present execution petition just to frustrate the proceedings and harass the DH.

Accordingly, issue warrants of arrest against the JD on payment of subsistence allowance as per rules, on filing PF/list and affidavit regarding appeal/stay.

At request of Ld. Counsel for DH, SHO of PS Mansarovar Park is directed to give necessary police assistance to the DH in tracing the JD and effecting his Civil arrest in compliance of the order passed by this Court as stated above, and file his report in this regard on NDOH.

The application U/s 55 CPC filed on behalf of DH stands disposed of.

Steps be taken within 07 days from today.

Put up before Ld. ACJ, Shahdara for appointment of bailiff on 13.03.2026 and before this Court for report of bailiff on 05.06.2026.

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 06.03.2026