

Kiran Dewan Vs. Mahender Singh

17.04.2026.

Present: Sh. Yash Srivastava, Ld. counsel for DH.
Sh. Sanjay Aggarwal, Ld. counsel for applicants/Sh.
Gaurav Makheeja and Ms. Neha Makheeja.
Sh. Jai Bhagwan, bailiff of this court.

Sh. Jai Bhagwan submits that on 15.12.2025, he had visited at 322, 1st floor, Block-B, Paschim Vihar for execution of warrant of attachment. He further submits that he had attached car of JD bearing DL10CT 3734 which was parked at the out side the gate of the building. He further submits that thereafter he went to Ist floor to the flat of the JD for attaching other articles of the JD and in the meanwhile he was told by the associate counsel of Sh. Yash Srivastav, ld. counsel for the DH that the brother in law of JD namely Chinu pushed him and drove away the above said car. He further submits that the above said person namely Chinu had taken away car without his consent and has obstructed in his duty for attachment of the assets of the JD as per the order of this court.

Separate statement of Sh. Jai Bhagwan regarding execution of warrant of attachment has been recorded.

Vide order dated 07.01.2026, this court had directed the SHO, P.S. Paschim Vihar and ACP to act upon the complaint dated 15.12.2025, given by the DH to the SHO, P.S. Paschim Vihar.

On 30.01.2026, report regarding action taken on the complaint of the DH, was filed on behalf of ACP, Paschim Vihar by mentioning that on 15.12.2025, a complaint received from

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complainant who is DH namely Sh. Kiran Dewan alleging that relative of JD has taken away the car bearing no. DL10CT 3734 despite attachment. It is mentioned in the report that the police officials, who were present at that time at the above said place have no knowledge about the attachment and the bailiff has also told that he did not attach the car on that day.

The above said report filed by the ACP, Paschim Vihar is contrary to the attachment report dated 15.12.2025 filed by the bailiff, Sh. Jai Bhagwan in the court as well as contrary to the statement of bailiff, given on oath today in the court.

Even if it is presumed that the car was not attached, the relative of JD had no right to take away the car from the spot as it is in the knowledge of said relative and other family members of the JD that the bailiff has come to attach the assets of the JD. The above said act of said relative regarding driving away the car, is also prima facie obstruction in the public duty of the bailiff. Moreover, from the attachment report as well as statement given on oath by bailiff, it is clear that the bailiff had already attached the car and thereafter the said relative of JD drove away the said car. The attached car is court property and the said person had no authority to take away the said car from the spot. Prima facie cognizable criminal offences under section 221 & 303 of BNNS, 2023 have been committed by the person who took away the car without consent of bailiff.

SHO, P.S. Paschim Vihar is directed to recover the said car. SHO, P.S. Paschim Vihar is also directed to take action as per law against the brother in law of JD namely Chinu, who took away the car.

Copy of this order alongwith copy of statement of bailiff and copy of attachment report Ex. CW-1/A be sent to SHO, P.S. Paschim Vihar for compliance.

Copy of this order be also sent to concerned DCP of P.S. Paschim Vihar for intimation.

Reply of the application of applicants has been filed on behalf of DH.

Ld. counsel for the DH seeks an adjournment for making arguments on the application of the applicants.

Ld. counsel for the DH submits that partition suit is pending before the Hon'ble High Court of Delhi and is fixed for 22.04.2026.

Put up for consideration of above said application on 08.05.2026.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
17.04.2026