

EXECUTION (COMM.) 18/25

GURUSHARAN CHITS PVT LTD VS. CHANDAN KUMAR MISHRA

20.07.2026

Present - Mr. H.K.Tolani, Counsel for Decree Holder.

None for Judgment Debtor nos. 1, 2 & 3.

1. Decree Holder has filed an application under Order XXI Rule 38 read with Section 151 CPC for issuance of warrant of arrest against Judgment Debtor nos.1, 2 & 3.

2. It is stated in the application that all the Judgment Debtors are deliberately avoiding the orders of this Court and have refused to make the agreed payments despite settling the matter before Mediation Centre. The averments of the application are substantiated by the records of the case.

3. Earlier, Decree Holder has filed similar application under Order XXI Rule 38 read with Section 151 CPC for issuance of the warrant of arrest against Judgment Debtor nos.1, 2 & 3. Thereafter, JD No.3 was appeared and sought time to pay his share and some part payment was made by JD No.3 and thereafter, JD No.3 stopped making payment and also stopped appearing in the Court. Thus, the JDs are avoiding the payment and are delaying the matter.

4. As per the judgment given by the Supreme Court of India in ***“Periyammal (dead) through LRs. & ors. v. V. Rajamani & anr. Etc., 2025 INSC 329”*** decided on **06.03.2025**, the execution petition is to be disposed of within six months.

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5. Considering the above conduct of all the JDs, it is clear that JDs are likely to abscond or leave the local limit of the jurisdiction of this Court to delay the execution.

6. Accordingly, issue warrants of arrest against **JD no.1 namely, Chandan Kumar Mishra** S/o Sh. Vidya Nand Mishra R/o village & post Office – Padma, PS Ladania, Jay Nagar, Madhubani, Bihar-847226 through SSP, Madhubani, Bihar; **JD No.2 namely, Kaushik Kumar Jha** S/o late Namo Narayan Jha R/o F-91, 1st Floor, Katwaria Sarai, New Delhi-110016 through SHO PS Kishan Garh, New Delhi and **JD No.3 namely, Lalit Kumar Thakur** S/o Ram Chandra Thakur R/o Flat No. A-17, 3rd Floor, Park View Apartment, Plot No.34, Ward No.1, Mehrauli, New Delhi-110030, through SHO PS Mehrauli, New Delhi, on filing of PF returnable on **17.08.2026**.

7. The concerned Police Officers, after execution of the warrants, will bring all the JDs before this Court with all convenient speed.

8. Copies of this order be sent to the SSP, Madhubani, Bihar; SHO PS Kishan Garh, New Delhi and SHO PS Mehrauli, New Delhi for information.

Re-notified on **17.08.2026**.

Subsistence allowance be deposited by the Decree Holder.

At request, copy of this order be given dasti to counsel for DH.

(**Sandeep Yadav**)
District Judge (Commercial Court)-03
South/20.07.2026