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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010391602026
+ **CRL.M.C. 6164/2026**
VIJAY KUMAR

.....Petitioner

Through: Mr. Rakesh Kumar and Mr. Aman
Kumar, Advocates.

versus

ARTI SMITH & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **21.08.2026**

CRL.M.A. 25762/2026 (Exemption)

Exemption allowed, subject to all just exceptions.

CRL.M.C. 6164/2026 & CRL.M.A. 25761/2026 (for stay of execution and attachment proceedings)

1. The petitioner is aggrieved by the fact that his application filed under Section 127(2) Cr.P.C. has yet not been decided and to make the things worse, the Court has issued warrants of attachment of his pension.
2. It is noticed that the Execution Petitions are of the years 2021, 2022 and 2023 and the abovesaid application under Section 127(2) Cr.P.C. has been filed only in the year 2025.
3. According to learned counsel for the petitioner, the execution stands frustrated for the reasons that the decretal amount in terms of the decree has already been duly paid. He submits that the payment is rather of extra amount.

CRL.M.C. 6164/2026

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4. However, all these aspects can be appropriately asserted before the learned Executing Court and there is nothing which may compel this Court to invoke its inherent powers. The abovesaid attachment order is, primarily, based on one earlier order dated 16.07.2025 which has not even been challenged.
5. After some arguments, learned counsel for the petitioner, without prejudice to his rights and contentions, seeks to withdraw the present petition with liberty to agitate all the points before the learned Executing Court.
6. The petition is, accordingly, disposed of, as not pressed.
7. All rights and contentions of the parties are reserved.
8. This Court expects that the Executing Court shall proceed further with the matter after giving due consideration to the abovesaid contentions made by the petitioner (judgment debtor), who *inter-alia* asserts that the entire amount under the decree in question has already been paid. The concerned decree-holder shall not also cause any delay and would file appropriate reply, if not already filed, to the abovesaid application filed under Section 127(2) Cr.P.C., so that such application is adjudicated, expeditiously.
9. The petition along with pending applications stand disposed of in aforesaid terms.

MANOJ JAIN, J

AUGUST 21, 2026/ss/sk