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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.1064/2015 & CM No.25299/2015 (for stay).
MANMOHAN LAL VIJ Petitioner
Through: Mr. Aditya, dv.
Versus

INDRANI SURI Respondent
Through: Mr. Anil Sharma, Mr. Rishi Vadhera
and Mr. Jaskaran Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.09.2017**

1. This petition under Article 227 of the Constitution of India was preferred impugning the order (dated 16th October, 2015 in Ex. No.29/15 of the Court of Senior Civil Judge / Rent Controller (South-East), Saket Courts, New Delhi) issuing warrant of arrest of the petitioner / judgment debtor in execution of a money decree.
2. The petition was entertained and vide *ex parte ad interim* order dated 2nd November, 2015, while issuing notice thereof, subject to the petitioner / judgment debtor depositing Rs. 80,000/-, by 9th November, 2015 operation of the impugned order was stayed. This petition was thereafter adjourned from time to time.
3. The counsel for the petitioner / judgment debtor states that the petitioner / judgment debtor has already paid a sum of Rs.1,00,000/-.
4. On enquiry, whether the entire decretal amount has been satisfied, the answer is in the negative and it is stated that the petitioner / judgment debtor is an old man dependent upon his daughter and is unable to pay the balance amount.

5. The counsel for the respondent / decree holder states that as of today, a sum of approximately Rs.58,000/- is due under the decree. It is stated that the petitioner / judgment debtor is residing in the posh colony of New Delhi, South Extension Part-II and is paying rent therefor of Rs.25,000/- per month.
6. It can safely be assumed that the petitioner / judgment debtor must be paying electricity, water and other charges in equal amount.
7. It is thus quite clear that the petitioner / judgment debtor, though capable of satisfying the decree, has been abusing the process of the Courts to avoid payment to the respondent / decree holder. Such conduct of the petitioner / judgment debtor does not entitle the petitioner / judgment debtor to any indulgence from this Court and no error is found in the impugned order issuing warrant of arrest of the petitioner / judgment debtor in execution of the money decree. As far as the plea of old age of the petitioner / judgment debtor is concerned, the same is of no relevance to the respondent / decree holder whose decree is outstanding on account of such abuse of the process of the Courts by the petitioner / judgment debtor.
8. The counsel for the petitioner / judgment debtor then states that the petitioner / judgment debtor will pay the entire balance decretal amount within two months.
9. The same again shows the abuse of the process of the Court by the petitioner / judgment debtor.
10. The petition is dismissed.
11. Upon failure of the petitioner / judgment debtor to deposit the entire balance decretal amount with the Executing Court on or before

31st October, 2017, the Executing Court is requested to take up the execution on 31st October, 2017 and to issue warrant of arrest of the petitioner / judgment debtor and ensure early execution thereof.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 27, 2017

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