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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 17.10.2023

+ CM(M) 1704/2023 & CM APPL. 54051/2023

MOHIT GUPTA

..... Petitioner

Through: Mr. Rohan Nagpal and Mr. Rakesh
Patiyal, Advocates

versus

VED PRAKASH KATHURIA

..... Respondent

Through: Mr. Kapil Gulati, Advocate

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 54052/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1704/2023 & CM APPL. 54051/2023

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 25.09.2023 passed by the ADJ-04, North District, Rohini Courts, Delhi ('Executing Court') in Ex Civil No. 289/2023 titled as "**Ved Prakash Kathuria v. Mohit Gupta**" whereby, the Executing Court issued non-bailable warrants against the Petitioner herein i.e., Judgment Debtor.

2. After some arguments, with the consent of the parties, the following directions are issued: -

i. The Petitioner will file his affidavit duly disclosing the details of all his movable assets including his bank account details, immovable assets and



Permanent Account Number (PAN). The status of the aforesaid assets will be disclosed as on August, 2020 (i.e., the date of the filing of the suit); 17.01.2023 (the date of the passing of the decree) and 15.10.2023, the current date. The affidavit will therefore in three parts as per each of the aforesaid dates. The advance copy of the affidavit will be served on the decree holder by 25.10.2023 and duly filed before the Executing Court on 26.10.2023.

ii. The Petitioner will also file with the affidavit detailed Income Tax Returns ('ITRs') alongwith all schedules starting from AY 2017-2018 till current date.

iii. The Petitioner will remain personally present before the Executing Court on 26.10.2023 and will continue to remain present on each date of hearing thereafter, until his personal appearance is exempted by the Executing Court.

iv. The Petitioner will bring before the Executing Court a demand draft of Rs. 1,00,000/- drawn in favour of the Respondent on 26.10.2023. The Petitioner shall handover the said demand draft to the decree holder in presence of the Executing Court.

3. The learned counsel for the Petitioner has made the aforesaid statement on instructions on the Petitioner as well, as Mr. Vinod Kumar Gupta, father of the Petitioner who is present in Court.

4. The parties are bound down to the aforesaid statement made before this Court.

5. In view of the undertaking given to this Court and subject to the aforesaid conditions being complied with by the Petitioner, the order dated 25.09.2023 issuing non-bailable warrants shall remain stayed until



26.10.2023.

6. It is directed that in case, the Executing Court is satisfied with the disclosure made by the Petitioner in its affidavit of assets, the Executing Court is requested to continue the stay on the issuance of the non-bailable warrants beyond 26.10.2023.

7. However, in case, the Executing Court finds that any of the aforesaid conditions have been violated, the order of the Executing Court dated 25.09.2023 shall come into operation.

8. It is needless to state that all further proceedings shall be conducted in accordance with law before the Executing Court.

9. The aforesaid order has been passed with the consent of the parties.

10. With the aforesaid directions, the present petition is disposed of. Pending applications, if any, stands disposed of.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 17, 2023/rhc/asb