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

+ W.P.(C) 1576/2024 & CM APPL.6576/2024

KUSMITA MISHRA

..... Petitioner

Through: Mr.Rakesh, Advocate with
Mr.Jitender Kaushik, Advocate.

versus

ASSISTANT COLLECTOR GRADE (I) & ORS. Respondents

Through: Mr.Udit Malik, ASC with Mr.Vishal
Chanda, Advocate for R-1.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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05.02.2024

CM APPL.6577/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the application stand disposed of.

W.P.(C) 1576/2024 & CM APPL.6576/2024

3. Present writ petition has been filed challenging the attachment warrant dated 12th September, 2023 issued by the Respondent No.1, whereby Punjab National Bank has been directed to withhold a sum of Rs.21,56,471/- from the bank account of the judgement debtor, i.e. the Petitioner, up to 31st August, 2023, and to further deduct Rs.10,000/- and remit the same to the bank account of the decree holder, i.e. Respondent No. 2 with respect to proceedings in Execution Case No.3360/03-04/VCAB. The



Bank has been further directed to deduct Rs.10,000/- as monthly instalments from the bank account of the Petitioner till further orders, and allow the Petitioner to operate her bank account after monthly deductions.

4. Learned counsel for the Petitioner states that the aforesaid attachment warrant issued with respect to the bank account of Petitioner, wherein she receives pension post retirement from services on 31st July, 2014, is illegal and liable to quashed. He states that as per Section 11 of the Pension Act, 1871, the amount of pension is exempt from attachment, seizure and securitization by process of any Court, at the instance of a creditor, for, any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

5. Learned counsel for the Respondent No.1, who appears on advance notice, on instructions, states that the impugned attachment order dated 12th September, 2023 shall be withdrawn forthwith. The statement made by the learned counsel for the Respondent No.1 is accepted by this Court and the Respondent No.1 is held bound by the same.

6. In view of the aforesaid statement, the present writ petition is disposed of as satisfied.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 5, 2024
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