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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 3761/2024, CM APPL. 64542/2024, CM APPL. 64543/2024
& CM APPL. 64544/2024
RAJNI VERMAPetitioner

Through: Ms. Iram Majid, Advocate

versus

PUSHPA SONKAR & ORS.Respondent
Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
05.11.2024

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1. Petitioner is judgment debtor and has suffered a decree in sum of Rs. 3,60,000/- along with interest.
2. As per list of dates, *ex parte* decree was passed against the petitioner herein way back on 13.01.2017. It seems that thereafter, judgment debtor had moved some application seeking setting aside of *ex parte* decree and stay of the execution and she was burdened with cost of Rs. 45,000/- which she could not arrange, somehow.
3. However, in connection with the execution petition filed by the decree holder, the learned Executing Court directed attachment of her bank account. Such order is dated 17.05.2023 and it is not made clear as to why the present petition has been filed after virtually one and half year.
4. Sole grievance raised in the present petition is to the effect that judgment debtor is surviving on her pension and in terms of Section 60 of

CM(M) 3761/2024

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Civil Procedure Code, pension amount cannot be attached. Simultaneously, it has also been stated that judgment debtor is in critical condition and is admitted in intensive care unit (ICU) and since her bank account has already been seized/attached, she is not even able to arrange for the expenses towards her medical treatment.

5. After hearing arguments for some time, learned counsel for petitioner states that, without prejudice to her rights and contentions, she may be permitted to withdraw the present petition with liberty to move appropriate application before the learned Executing Court within two days from today seeking necessary relief with respect to the defreezing of her pension account so that she is in a position to meet the medical expenses.

6. In view of the above, present petition is disposed of as not pressed. However, all the rights and contentions of the parties are left open and it is also made clear that petitioner would also be at liberty to approach this Court again in case she does not get the requisite relief from the learned Executing Court. However, if any such application, as undertaken above, is moved before the learned Executing Court, learned Executing Court shall consider the same as expeditiously as possible, particularly in view of the fact that judgment debtor is reportedly admitted in ICU.

7. Copy of this order be given *dasti* under the signatures of the Court Master.

MANOJ JAIN, J

NOVEMBER 5, 2024/dr