

Present : Mr. Shashi Kant Sharma, Advocate for DH

Mr. Vivek Sethi, Advocate for JD

On previous date, learned counsel for JD requested for adjournment to make payment of remaining decretal amount.

Contending that no amount has been paid till now, learned counsel for DH requests for direction to JD to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Request is allowed. JD be directed to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Information be given in the form of affidavit to be sworn by anyone from directors of JD, preferably by Managing Director at the same time. Tehsildar (Recovery Cell) of Authority be asked to inquire about the properties of JD and to file his report till next date.

Heard on application filed by DH under Order XXI, rule 37 and Rule 41 read with section 151 of CPC with a prayer to commit directors of JD to civil prison.

As per learned counsel for DH, decretal amount has not been paid till now and hence, directors of JD are liable to be committed to civil prison.

It is well settled till now that in case of recovery interest of JD/directors of JD is last resort. Considering same, there is no issue to issue arrest warrant against directors of JD at this stage. It is worth mentioning that JD has already been directed to disclose assets/properties of JD including bank account till next date. The application is thus dismissed.

To come on 09.04.2025 for further proceedings.

(Rajender Kumar)
Adjudicating Officer

19.11.2024