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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 28th April, 2025**
+ CM(M) 857/2019, CM APPL. 25881/2019, CM APPL. 39160/2022 &
CM APPL. 9599/2024
HARISH SHARMA

.....Petitioner

Through: Mr. Ashish Middha, Advocate.

versus

ANIL CHAWLA

.....Respondent

Through: Mr. Mohit Kumar, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The grievance in the present petition is, merely, with respect to the manner in which the *warrants of arrest* have been issued against the Managing Director of the judgment-debtor company.
2. This Court has seen the impugned order dated 10.05.2019. The learned Executing Court, noticing that the affidavit of the assets of the Judgment-debtor company had not been furnished and such Managing Director was not even present before the Court, has issued *warrants of arrest* against him.
3. Learned counsel for the petitioner/judgment-debtor submits that issuance of such arrest warrants was neither appropriate nor legally sustainable.
4. However, at the same time, he submits that when the present petition was taken up by this Court way back on 27.05.2019, the petitioner himself



had made a proposal to make payment of 50% of the decretal amount by the end of June, 2019. This Court, therefore, permitted him to pay the abovesaid amount and the impugned order was also directed to be stayed.

5. Mr. Ashish Middha, learned counsel for petitioner, on instructions, submits that without prejudice to his rights and contentions, the petitioner herein is ready to make the balance payment of 50% of the principal amount by the end of May, 2025. He, however, seeks waiver with respect to balance component of the interest amount.

6. Learned counsel for the respondent/decree-holder submits that he would take requisite instructions in this regard and would see as to how best the matter can be amicably resolved and Execution Petition can be disposed of, to the satisfaction of the decree-holder.

7. The next date before the learned Executing Court is stated to be 02.05.2025.

8. Keeping in mind the overall facts of the case, and the fact that 50% of the decretal amount has already been duly paid and the petitioner is ready to make payment of the balance principal amount, the impugned order, whereby *warrants of arrest* have been issued against the petitioner, is set aside.

9. The petitioner, either himself or through his counsel, would appear before the learned Executing Court on 02.05.2025 and would ensure that, as undertaken today, the balance 50% principal amount is also cleared on or before 31.05.2025.

10. The decree-holder shall also take requisite instructions with respect to the waiver of the balance interest component.

11. In case, the Execution Petition does not stand disposed of, learned Trial Court would be at liberty to proceed further with the matter but it is made



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clear that in case it decides to issue arrest warrants, it would only be after strictly adhering to the standard protocol as clearly delineated by this Court in *CELL Page Communication vs. Vijay Shankar Pandey: 2022 SCC OnLine Del 3421*.

12. Petition stands disposed of in aforesaid terms.
13. Pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

APRIL 28, 2025/ss/pb