

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.3227 of 2014

Date of Decision: September 22, 2015

Sudagar Singh

.... Petitioner

vs.

Budh Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Mohd. Imran, Advocate for

Mr. G.N. Malik, Advocate for the respondent.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 21.12.2013 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Malerkotla, vide which the application of the Judgment Debtor filed under Order XXI, Rule 37 CPC was allowed and the proceedings under the said application were dropped.

Suffice to say that a money decree was passed against the judgment debtor. The decree holder moved an application for arrest/detention of the J.D., which was opposed by the J.D. The prayer of the DH was declined. The lower court has observed that two properties of J.D. mentioned in the suit were sold by way of auction by the orders of the Court in various executions. Therefore, the J.D. is no more owner of the said properties or any other property to pay the decretal amount.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Learned counsel for the petitioner has pointed out that the J.D. has been making payment to other persons in some proceedings under Section 138 of the Negotiable Instruments Act, 1881. He has pointed out to the copies of such orders, which pertain to the year 2010. It is stated that details of moveable and immovable properties of J.D. are not within the knowledge of the D.H.

It being so, the impugned order is set aside. The lower court is directed to summon J.D. and examine him under Order XXI, Rule 41 CPC regarding the properties owned by him and thereafter, pass the order under Order XXI, Rule 37 CPC.

The present revision petition is, allowed, accordingly.

September 22, 2015
sarita

(KULDIP SINGH)
JUDGE