

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3677 of 2015

Date of Decision.27.05.2015

Joginder Singh

.....Petitioner

Versus

Suresh Bansal

.....Respondent

Present: Mr. RVS Chugh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order directing an arrest of the judgment debtor who has been ordered to be arrested for non-payment of the amount. He is before this Court to complain that he is possessed of large extent of properties and it would be open to the decree holder to proceed against the properties. The counsel would refer to judgments of Supreme Court, this High Court and Andhra Pradesh High Court in Jolly George Varghese and another Vs. The Bank of Cochin 1980(2) SCC 360; Tehal Singh Vs. Shivaji Ram 1985 (2) PLR 564; Neelam Gautam Vs. Balwinderjit Singh @ Bikramjit @ Happy 2004(3) RCR (Civil) 519; Pothuneedi Laxmana Rao Vs. Kadasu Muneswara Rao 2005(3) RCR (Civil) 686 and Y. Saratchandra Vs. Lakshminarasimha Finances and another 2004(5) Andh LD 469 to support his claim. In none of the above judgments is there ever a reference that a person who has the means to pay but still would not

pay, would be spared from being arrested. They are all decisions where the decree-holder was unable to prove the means of the judgment debtor and the arrest in such a case would not be possible. Here is a case where the judgment debtor has given schedule of payment in an undertaking and filed it in Court on 26.07.2014 that he will pay ₹ 1,25,000/-, on 28.11.2014 he will pay another ₹ 1,25,000/- and on 20.03.2015, he will pay another ₹ 1,25,000/-. None of the payments have been made. The Court has made reference to the fact that the judgment debtor has properties. He has given an undertaking to make the payment and he was intentionally avoiding to satisfy the decree. He managed to get the property released from attachment on such an undertaking and he was not making the payment. It was deliberate attempt to defeat and delay the proceedings. The order passed by the Court below on 16.05.2015 which is impugned in this Court is very well reasoned and calls for no interference.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

May 27, 2015
Pankaj*