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

**CR-4125-2015(O&M).**
**Decided on: July 6, 2015.**

**Jagmohan Singh**

**... Petitioner(s)**

**VERSUS**

**Darshni Devi and others**

**... Respondent(s)**

* * *

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Ashok Gupta, Advocate,**
**for the petitioner.**

**M.M.S. BEDI, J (ORAL).**

The petitioner who is judgment debtor is aggrieved by the coercive order adopted vide impugned order dated 30.5.2015 directing that warrants of arrest for compliance of the award be issued.

Counsel for the petitioner submits that the detention order has been passed in violation of provisions of Section 51 CPC.

I have heard the counsel for the petitioner and gone through the impugned order. The reluctance of the petitioner to satisfy the amount of award is apparent from his conduct. The civil Court no doubt has got jurisdiction to execute the money decree by adopting coercive means by committing the judgment debtor to prison. The only safeguard provided to him under the proviso to Section 51 is that where a decree is for payment of money, execution by detention in civil prison should not be ordered unless the

judgment debtor is given an opportunity of showing cause why he should not be committed to prison. The Court is required to record the reasons in writing before ordering that judgment debtor be committed to civil prison.

Counsel for the petitioner submits that warrant of attachment of tractor trolley along with harrow and tiller has already been ordered on 21.2.12015.

This petition is allowed. Order dated 30.5.2015, is hereby set aside so far as issuance of warrants of arrest of judgment debtor are concerned. It is directed that in case the Court is of the view that award cannot be satisfied by attachment and sale of the property, it will be open to the trial Court to execute the decree by arrest giving a fair opportunity to the petitioner. It is further directed that entire process will be completed within a period of two months. However, this order will not in any manner prejudice the rights of the decree holder to seek execution of the judgment and decree as per the provisions of Order XXI Rule 30 CPC by arrest as per provisions of Rule 37 CPC.

**(M.M.S. BEDI)**
**JUDGE**

**July 6, 2015.**
**rka**



RAJ KUMAR ARORA
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I attest to the accuracy and
integrity of this document