

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

Civil Revision No.4166 of 2015

Date of decision: 06.07.2015

Lachhman Dass and another

... Petitioners

versus

Jarnail Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Khunger, Advocate,
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The revision is against an order directing arrest of the judgment-debtor. The court has passed an order for enquiry to a future date after directing the confinement of the judgment-debtor in civil prison. The procedure is wrong. I dispense with notice to the respondents and set aside the order and direct the Executing Court to conduct an enquiry on the means and if it is satisfied that the judgment-debtor himself has the means, shall cause the arrest. The arrest of the judgment-debtor and directing the matter to post it for enquiry is putting the cart before the horse. The judgment-debtor (petitioner No.1-Lachhman Dass) is ordered to be released.

2. The 2nd petitioner is a woman and cannot be ordered to be arrested.

3. The impugned order is set aside and the revision petition is allowed on the above terms. The enquiry of means of 1st petitioner is ordered to be done afresh and the matter is remanded for that purpose.

(K.KANNAN)
JUDGE

06.07.2015
sanjeev