

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

CR No.7395 of 2015 (O&M)
Date of decision : 04.11.2015

Gurdev Singh

...Petitioner

Versus

M/s IndusInd Bank Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Arvind Singh, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Mr. Arvind Singh, learned counsel appearing on behalf of the petitioner submits, that the petitioner is contemplating to file the appeal against the order dated 28.08.2015 (Annexure P-4) under Section 37 of the Arbitration and Conciliation Act, 1996. However, in the present revision petition, his grievance is only against the impugned order dated 17.10.2015 (Annexure P-6), whereby straightway warrants of arrest have been issued.

He further submits that as per provision of Order 21 Rule 37 of CPC and as well as ratio decidendi culled out by this Court in *Didar Singh @ Dara Singh Vs. State Bank of India, 2013(1) R.C.R. (Civil) 588*, his

warrant of arrest cannot be straightway issued. The petitioner-Judgment Debtor has to be given show cause notice and, there is no reasoning recorded, while invoking the proviso of Order 21 Rule 37 of CPC, which enables the Court to dispense with the service of the show cause notice.

Since the order ex facie is not justified in law, I deem it appropriate to set aside the same by relegating the matter to the trial Court to follow the procedure as prescribed under Order 21 Rule 37 of CPC as well as observations rendered by this Court in *Didar Singh @ Dara Singh Vs. State Bank of India, 2013(1) R.C.R. (Civil) 588*,

Impugned order dated 17.10.2015 (Annexure P-6) is set aside.

Accordingly, revision petition stands allowed.

04.11.2015

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**(AMIT RAWAL)
JUDGE**