

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

Civil Revision No.761 of 2015

Date of Decision: 02.02.2015

Gurdeep Singh

..... Petitioner

Vs.

Om Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner/J.D.

JASWANT SINGH, J. (ORAL)

The judgment debtor is in revision aggrieved by the order dated 07.01.2015 (**P-6**), passed by the learned Additional Civil Judge (Sr. Divn.), Jalalabad, whereby the application under Order 21 Rule 37 CPC filed by the decree holder to arrest and detain the judgment debtor has been allowed and conditional warrant of arrest have been issued for 20.02.2015.

Having heard learned Counsel for the petitioner, this Court finds no merit in the present revision.

It is not in dispute that a sum of ₹ 4,05,000/- based on promissory note and receipt dated 14.04.2009 already stand decreed on 03.01.2014 against the present petitioner. It is also not in dispute that till today, there has been no stay granted in his favour by the learned lower Appellate Court, where the appeal of the judgment debtor/petitioner is stated to be pending.

The plea that the decree holder has to first resort the execution of the decree through attachment of the property is totally misconceived as held by the learned Executing Court since it is for the decree holder to choose any of the

modes of execution of the decree as provided under Section 51 of the Code of Civil Procedure. The procedure for enforcing the decree through arrest warrant has been laid down in Order 21 Rule 37 CPC, which in the present case concededly has been duly followed.

Hence, in view of the above, this Court finds no merit in the present revision petition, the same is hereby dismissed.

February 02, 2015
Gagan

(JASWANT SINGH)
JUDGE