

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

CR No. 1033 of 2016 (O&M)

Date of decision: February 11, 2016

Karamjit Singh and another

...Petitioners

Versus

Balwinder Singh

...Respondent

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Raj Paul Kansal, Advocate,
for the petitioners.

K. KANNAN, J. (Oral)

1. The petitioners against whom an order of arrest passed by the executing court, after setting the judgment debtors ex-parte, are in revision. An order setting a person ex-parte and making further process of execution is liable for being set aside under Order 21 Rule 106 of the Civil Procedure Code, if sufficient reasons are given. The petitioners are at liberty to approach the executing Court by way of moving an application to set aside the ex-parte order and give explanation as to why they are not liable for arrest and that the burden is only on the decree-holder to show sufficient means of the judgment debtors to make them liable for arrest. If such an application is moved, the executing court will consider the objections and pass an informed order of arrest or otherwise, in accordance with law.
2. The revision petition is disposed of with the above observations.

February 11, 2016
prem

(K.KANNAN)
JUDGE