

121.

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

Civil Revision No.2712 of 2016 (O&M)

Date of decision:12.04.2016

Rajvardhan Singh

... Petitioner

versus

M/s Reliance Capital Limited and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Charanji Lal, Advocate,
for the petitioner.

K.Kannan, J. (Oral)

1. The revision petition is a case of judgment debtor suffering an award for non-payment of installments obtained from a financier and the financier approaching the Arbitrator under the arbitral agreement to secure the award for the amount lent. The award was passed after several notices from the Arbitrator went unheeded. In execution of the award, attachment was sought and the bailiff returned warrant saying that the property was not identifiable. The decree holder therefore filed an application under Order 21 Rule 41 CPC to make disclosure of assets. The court has passed an order directing such disclosure and when it was not complied with, the court has directed arrest to be made for non-compliance with the directions.

2. The counsel says that for mere contractual obligation, arrest cannot be made and cites the case law to the effect. All the judgments cited are irrelevant, for, the arrest is made for disobedience of the order directing disclosure of assets which is permissible under Order 21 Rule 41 (3) CPC. The arrest is not for realization of the amount but the arrest is for non-compliance of the direction given by the court. There is no scope for interference. Revision petition is dismissed.

(K.KANNAN)
JUDGE

12.04.2016
sanjeev