

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2847 of 2016 (O&M)
Date of decision:25.04.2016

Mander Singh

... Petitioner

Vs.

Sukhwinder Singh

... Respondent

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. Sherry K. Singla, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner contends that the petitioner has not been subjected to notice as per the provisions enshrined under Order 21 Rule 37 of the Code of Civil Procedure and straightway has been ordered to be sent to the civil prison.

I have heard learned counsel for the petitioner and gone through the impugned order. The operative part of the order reads thus:-

“After hearing arguments and considering the entire material on record, this Court has observed that a decree of amount of ₹75,680/- has been passed against the JD and he has to pay this amount to the decree holder. It is

observed that at one point of time, the JD alleges that he has no means of income and at the same time, he alleges that he is only person to look after his family, which means that he must be doing some job for earning money and he has to pay the decretal amount to the decree holder and is intentionally not making the payment. So the application in hand stands allowed because there is no movable and immovable property in the name of JD, so he has to be sent to the civil prison for the purpose of satisfying the decree. The application stands allowed. One opportunity is given to the JD for making payment, failing which he shall be sent to the civil prison. The case is adjourned to 11.03.2016 for making payment by the JD.”

On perusal of the impugned order, it reveals that there has been no compliance, therefore, the order under challenge, in my view, is not in consonance with the aforementioned provisions, as well as, the judgment rendered by this Court in **Didar Singh @ Dara Singh vs. SBI 2013(1) RCR (Civil) 588.**

Accordingly, the impugned order is set aside and the matter is remitted back to the trial Court to comply with the aforementioned provisions and thereafter, pass an order in accordance with law.

With the aforementioned observations, the revision
petition stands allowed.

(AMIT RAWAL)
JUDGE

April 25, 2016
savita