

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

**C.R. No.810 of 2016
Date of Decision.03.03.2016**

RajinderPetitioner
Vs.
Jagbir SinghRespondent

Present: Mr. Amit Kumar Jain, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The order of arrest has been issued against the petitioner in execution of money decree. The counsel seeks for one opportunity to state his objection regarding arrest. The counsel responds to a query that it was not an order passed ex parte but it was passed after notice was served on him. If the notice has already been served and he had benefit of stating his objection but he stated no objection, the order of arrest cannot be found to be erroneous. However, as a measure of caution, I hold that when the bailiff causes arrest and produces him before the Court, the Court will again ask for whether he is in position to make any payment. The court will also seek for the evidence summarily from the decree holder of the means of the judgment debtor to make the payment. The arrest shall not be carried out by confinement before undertaking such a summary enquiry.
2. The revision petition is dismissed but with the procedure to be followed by the Executing Court.

**(K. KANNAN)
JUDGE**

**March 03, 2016
Pankaj***