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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **EX.F.A. 22/2016 & CM 32664/2016**

JAI PRAKASH Appellant

Through: Mr. Kaushik Dey and Mr. Ravi
Ranjan, Advocates

versus

THE FUTURE GENERAL INSURANCE INDIA CO LTD

..... Respondent

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **24.10.2016**

Affidavit of service filed by appellant is accompanied by tracking report.

Respondent is served, but none appears on its behalf. Accordingly, respondent is set *ex parte*.

Learned counsel for appellant submits that the limited relief claimed in this appeal is that appellant's period of detention is going to end on 1st November, 2016 and so, this appeal is to be heard today.

This order be read in continuation with the last order i.e. order of 6th September, 2016.

Upon hearing and on perusal of impugned order, I find that the impugned order directing appellant to undergo civil imprisonment for a period of six months on account of his defaulting in complying with the

money decree is in contravention of Section 58 of CPC, which provides that the period of detention shall not exceed three months. It appears that the provisions of Section 58 of CPC were not brought to the notice of learned trial court. In any case, the period of detention cannot be more than three month. As such, impugned order of 2nd August, 2016 is modified to the extent that the period of detention shall be three months and not six months.

With aforesaid modification, this appeal and the application are disposed of.

Copy of this order be given *dasti* to appellant's counsel.

(SUNIL GAUR)
JUSTICE

OCTOBER 24, 2016

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