

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No. 2514 of 2017 (O&M)
Date of decision: 6.4.2017**

Malkiat Singh

...Petitioner

Versus

The New India Assurance Company Ltd. Divisional Office

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Baldev Singh Dhillon, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition filed under Article 227 of the Constitution of India, is directed against the order dated 20.3.2017 (Annexure P-1) passed by the learned executing court, whereby conditional warrant of arrest was issued, only with a view to secure presence of the petitioner.

Heard learned counsel for the petitioner.

A bare reading of the impugned order would make it crystal clear that it was the petitioner who forced the learned executing court to pass the impugned order, issuing conditional warrant of arrest to secure his presence. Despite the fact that case was called many times since morning, nobody put appearance on behalf of the petitioner-judgment debtor. In such a situation, learned executing court was left with no other option except to pass the impugned order, so as to secure presence of the petitioner. Having

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said that, this Court feels no hesitation to conclude that the learned executing court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. It goes without saying that the impugned order passed by the learned executing court issuing conditional warrant of arrest was only with a view to ensure presence of the petitioner.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

With the abovesaid observations, present revision petition stands disposed of, however, with no order as to costs.

6.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No