

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

CR No. 2536 of 2017 (O&M)
Date of decision: 7.4.2017

Om Parkash

...Petitioner

Versus

Shriram Transport Finance Company Ltd. And another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashok Verma, 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 orders dated 8.12.2016 (Annexure P-4) and 13.1.2017 (Annexure P-5) passed by the learned executing court, whereby conditional warrants of arrest were issued, with a view to secure presence of the petitioner.

Heard learned counsel for the petitioner.

A bare combined reading of both the impugned orders dated 8.12.2016 (Annexure P-4) and 13.1.2017 (Annexure P-5) would make it crystal clear that none appeared on behalf of the judgment-debtor either on 8.12.2016 or 13.1.2017. In fact, absence of the petitioner forced the learned executing court to pass the impugned orders, which were passed only to secure presence of the petitioner. It is further made out from the reading of the impugned orders that when conditional warrant of arrest dated 8.12.2016 could not be executed, the learned executing court issued identical fresh conditional warrant of arrest vide impugned order dated 13.1.2017

CR No. 2536 of 2017 (O&M)

for 16.2.2017. However, learned counsel for the petitioner is not even aware as to what happened on 16.2.2017.

In case the petitioner had already put appearance on 16.2.2017, present revision petition would become infructuous. Since both the impugned orders had to be passed by the learned executing court to secure presence of the petitioners, the learned executing court was well within its jurisdiction to pass the impugned orders and the same deserve 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 orders, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

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.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

7.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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