

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

CR No.4855 of 2017

Date of decision: 27.07.2017

Idma Laboratories Ltd. and another

...Petitioners

Versus

A.S. Bhatti, Proprietor, M/s. Global Merchants and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dinesh Kumar Gupta, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 06.07.2017 (Annexure P-12) passed by the Additional Civil Judge (Senior Division), Panchkula, whereby objections filed by the Judgment Debtor (JDs) have been dismissed.

Learned counsel for the petitioners has vehemently argued that before issuance of warrants of arrest, no notice under Section 51 (c) CPC was given to petitioner-judgment debtors.

This argument of learned counsel is liable to be rejected. A perusal of the order dated 15.11.2016 (Annexure P-6) shows that a show cause notice was given to the judgment debtors explaining as to why they should not be sent to civil imprisonment for non compliance of the order, which was passed in favour of the decree holder(s). Thereafter, the matter was adjourned to 04.01.2017. Thereafter, an application (Annexure P-7) for recalling of warrants of arrests of the judgment debtors as well as order dated 04.01.2017 was filed. Thereafter, the matter was adjourned enabling

the decree holder to file reply to the above said application. However, the payment was not made to the decree holder, rather judgment debtors filed an application on 06.07.2017 seeking adjournment on the ground that they wanted to move an application for transfer of the case to some other Court. The matter was adjourned for consideration of objections and finally, vide impugned order 26.07.2017 (Annexure P-12), objections filed by the judgment debtors were dismissed. While passing the impugned order, it has been noticed that vide judgment and decree dated 31.05.2008, a decree for recovery of 6,39,400/- with 6% interest was passed against defendant Nos. 1 to 4 (judgment debtors). Since then, they have failed to make the payment. The attached property of the judgment debtors could not be sold, as it had already been mortgaged to the State Bank of India. JD No.1 being company and JD No.4 being a women were exempted from civil imprisonment under Section 56 of CPC. By rejecting all the objections of the judgment debtors, warrants of arrest were issued for 26.07.2017.

A perusal of the above orders dated 15.11.2016, 16.02.2017 and 26.07.2017 (P-6, P-8 and P-12) shows that after issuing proper notice and hearing objections, the impugned order has rightly been passed by the executing Court.

No illegality, much less perversity, has been found in the impugned order warranting interference by by this Court.

No merits. Dismissed.

27.07.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No