

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.733 of 2017

Date of decision: February 02, 2017

Om Parkash

...Petitioner

Versus

Bihari (deceased) through his LRs
Sant Kumar etc. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jaivir Yadav, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the orders dated 10.7.2015, 04.01.2017 and 09.01.2017, Annexures P-3, P-6 and P-9 respectively, passed by Addl. Civil Judge (Sr. Division), Mohindergarh.

Learned counsel for the petitioner has assailed the orders. He submits that approach of the trial court is erroneous and against law. According to him, the trial court has wrongly ordered to detain the petitioner/judgment debtors in civil imprisonment for violating the judgment/decreed dated 20.3.2007. The trial court has also wrongly dismissed the objections filed by the petitioner/JDs as well as application for cancellation of warrant of arrest.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, Bihari (deceased) now represented by his legal representatives Sant Kumar etc. filed a suit for permanent injunction regarding the suit property situated in village Jasawas, District

Mohindergarh. Said suit was dismissed by the trial court on 2.12.2004. Legal representatives of Bihari preferred appeal and the same was allowed by District Judge, Narnaul on 20.3.2007, decreeing suit of the plaintiff. Decree holders filed execution. The executing court vide order dated 10.7.2015, ordered that judgment debtors be detained in civil imprisonment for three months for violating the judgment/decreed dated 20.3.2007. Thereafter, respondent/decreed holder Sant Kumar filed application for detaining the judgment debtors i.e. petitioner and proforma respondent herein in civil prison, to which petitioner filed objections. The executing court vide order dated 4.1.2017 dismissed the objections and ordered for issuance of warrant of arrest. Again, petitioner filed application for cancellation of warrants, which was also dismissed on 09.01.2017. I am of the considered view that trial court has not committed any error in dismissing the repeated applications filed by the petitioner. It reveals that petitioner has willfully violated the judgment and decree dated 20.3.2007, passed by District Judge, Narnaul. He had not challenged the said judgment and decree and thus, the executing court had rightly passed the orders for detaining him in civil prison. I find no infirmity with the orders passed. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

February 02, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No