

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.2709 OF 2012

ORDER:

The premise, on which the CRP is filed challenging the order dated 19-03-2012 in Memo SR No.4731 of 2011 in EP.No.102 of 2009, is that the revision petitioners are entitled to the protection under Section 29 of the Provincial Insolvency Act, and that the EP. ought to not to be proceeded with.

The learned trial Judge through the order impugned in the CRP held as follows:

“ Perused the record and citations submitted by both the counsel. In the recent decision held in 2008 (6) ALT 673, their lordships held that mere pendency of I.P. is no bar for order of arrest of J.Drs. The facts and circumstances in the cited decisions in D.L.R.2006 A.P.377 are distinguishable from the facts and circumstances in the cited decision 2008 (6) ALT 673. Hence the decision relied upon by J.Drs is not applicable. Unless J.Drs obtain stay order or some protection order from the court, his memo is not maintainable. Hence memo is rejected.”

This Court is relieved of the necessity to examine the protection which is claimed by the revision petitioners inasmuch as I.A.No.881 of 2011 in IPSR No.3397 of 2011 was dismissed for default. In view of the dismissal of the I.A., this Court is of the view that the CRP on other aspects need not be considered.

The C.R.P. is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

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S.V.BHATT, J

Date:12.09.2018

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