

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

**CR No.3463 of 2018 (O&M)
Date of decision : May 23, 2018**

Madan Lal Sharma

..... Petitioner

Versus

Om Parkash

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sushil Bhardwaj, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner contends that in the execution for recovery of the money, the Executing Court on the first date of hearing while apparently exercised the powers under Order XXI, Rule 37 CPC, 1908, issued conditional warrants of arrest of the J.D., vide order dated 21.02.2018 (Annexure P-3).

Learned counsel for the petitioner has pointed out to the provisions of Order XXI, Rule 37 CPC, 1908, which provides for issuance of only show cause notice. The notice can be dispensed with only on the ground that J.D. with the object or effect of delaying the execution of the decree is likely to abscond or leave the local limits of the jurisdiction of the Court. It is stated that no such satisfaction was recorded.

In view of the matter, the present petition is disposed of with a direction that order dated 21.02.2018 (Annexure P-3) shall be treated as show cause notice against the detention in prison instead of conditional warrants of arrest.

**(KULDIP SINGH)
JUDGE**

May 23, 2018

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No