

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

**CR no.2736 of 2019 (O&M)**

**Date of Decision: 15.05.2019**

Chunni Lal

...Petitioner

Vs.

Surajbhan and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. J.P. Sharma, Advocate, for the petitioner.

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**Amol Rattan Singh, J (Oral)**

On 30.04.2019 at the time when notice of motion was issued,  
the following order was passed by this Court:-

“Learned counsel for the petitioner submits that the petitioner is prepared to make the same statement as was made by his brother, i.e. Ram Kishan, who, also as the legal representatives of their late father Chunni Lal, had filed CR no. 163 of 2018, which was disposed of on 21.11.2018 by this Court, on a statement made that the aforesaid Ram Kishan and respondents no. 1, 3, 5 and 7 in that petition, would not interfere in any manner in the suit property.

Notice of motion to respondent no.1 only, i.e. the contesting respondent/decreed holder, returnable on 15.5.2019, with operation of the impugned order dated 10.10.2016, directing civil imprisonment of the judgment debtors stayed qua the petitioner herein (i.e. qua Raj Kumar who is one of the legal representatives of judgment debtor Chunni Lal), till the next date of hearing, the contention being that he is now sought to be arrested, two and a half years after the impugned order was passed.

Process dasti only.

To be shown in the urgent motion list.”

Today, Mr. Balwinder Singh, Advocate, appears and has filed a *Vakalatnama* on behalf of respondent no.1, i.e. the contesting respondent-decree holder. He submits that on the aforesaid statement of the petitioner recorded, the impugned order may be set aside, holding the petitioner to such statement.

Consequently, that being so, learned counsel for the petitioner submits that the statement already made by the petitioner in paragraphs 4 and 6 of the petition, to the effect that he would not interfere in any part of the suit property and lay no claim to it, may be accepted to be a statement made by him in Court, the petition itself being accompanied by his affidavit dated 14.04.2019.

In view of the above, this petition is allowed with the impugned order set aside by which the petitioner was ordered to be taken into civil imprisonment on the expiry of 30 days of the date of passing of the order on 10.10.2016.

It is again to be stated that learned counsel submitted that though the order is more than 2½ years old today, the petitioner being a truck driver against whose father the decree was passed, no action was taken by any person to arrest him, but he having come to know of the aforesaid order, he has challenged it by way of present petition.

No comment is made on the correctness of that statement as to the petitioner knowing or not knowing the factum of the aforesaid order having been passed, but be that as it may, since the petitioner has stated that

he would not interfere in any manner with the possession of the respondent-decree holder of the suit property and that he would lay no claim thereto, the petition is allowed with him held bound to that statement.

Naturally, if the aforesaid statement is violated, the respondent would be at liberty to immediately move appropriate proceedings.

15.05.2019  
vcgarg/dinesh

**(Amol Rattan Singh)**  
Judge

**Whether speaking/reasoned : Yes**  
**Whether reportable : No**