

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.3680 of 2019(O&M)  
Date of Decision: 30.05.2019

Gurmail Singh

.....Petitioner

Versus

Joginder Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Mohd. Yousaf, Advocate  
for the petitioner.

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**RAJ MOHAN SINGH, J.**

[1]. Petitioner has challenged the order dated 30.04.2019 passed by Civil Judge (Junior Division), Dhuri vide which the application filed by the respondent under Order 21 Rule 37 CPC was allowed and conditional warrants of arrest were issued against the petitioner.

[2]. Perusal of the record would show that a suit for recovery of Rs.1,15,000/- inclusive of interest filed by the plaintiff/respondent was decreed by the trial Court vide judgment and decree dated 01.11.2008. In execution, an application under Order 21 Rule 37 CPC was filed by the decree holder for realizing the decretal amount by arrest and detention of the

judgment debtor in civil imprisonment.

[3]. Trial Court while deciding the application has taken notice of incriminating facts on record. Execution petition was filed on 30.01.2009. Till date, the judgment debtor/petitioner has not paid even a single penny out of the total decretal amount despite having sufficient means to satisfy the decree. By referring to the properties held by the petitioner, trial Court has referred to the facts that the petitioner at one point of time appeared before the executing Court on 05.05.2018 with a new counsel namely Sh. Rajinder Singh Toor and made a statement that he would pay the amount in question within 15 days. Thereafter on 05.05.2018, a fresh power of attorney was filed by another counsel namely Sh. Pardeep Kumar Mittal on behalf of the petitioner. In all, petitioner engaged three Advocates from time to time in order to stall the execution proceedings. About 11 years have expired from the date of passing of the decree, but amount has not been recovered so far. Despite making statement in the Court, the petitioner did not honour the commitment. The warrants of attachment against the land measuring 15 marlas were issued and it was found that house of the decree holder is situated in the said land measuring 15 marlas.

[4]. From the aforesaid attending facts and circumstances

of the case, this Court is satisfied that the petitioner is reluctant to honour the decree despite pendency of the execution petition though he has means to pay the amount in question to the decree holder. Even after filing of application under Order 21 Rule 37 CPC, the petitioner has contested the application without making any payment to the decree holder. By way of impugned order, only conditional warrants of arrest have been issued. If the petitioner pays the amount in question, he would be let off. In case of his default, the conditional warrants would take immediate effect in accordance with law.

[5]. In view of above, there is no merit in this revision petition. This revision petition is accordingly dismissed.

30.05.2019

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**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking**  
**Whether reportable**

**Yes/No**  
**Yes/No**