

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6336-2019 (O&M)
Date of decision: 04.10.2019

Lakhbinder Singh

...Petitioner

Versus

Parveen Kumar

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sherry K. Singla, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 31.05.2019 (Annexure P-5) passed by the Civil Judge (Senior Division), Talwandi Sabo, whereby conditional warrants of arrest against the petitioner/JD have been issued and order dated 13.09.2019 (Annexure P-8), whereby objections filed by the petitioner has been dismissed.

Learned counsel for the petitioner, *inter alia*, contends that as per Order 21 Rule 37 CPC, before issuing warrants of arrest, prior notice should have been issued to the affected party. He refers to the judgment passed by Hon'ble the Supreme Court in Jolly George Varghese and another vs. The Bank of Cochin, 1980 (2) SCC 360 and by this Court in Karnail Singh vs. Shagan Singh and others, 2016 (2) PLR 159 to contend that before issuing conditional warrants of arrest, a prior notice is required to be issued to the JD.

In view of the above judgments, as relied upon by learned counsel for the petitioner, impugned orders dated 31.05.2019 & 13.09.2019

(Annexures P-5 & P-8) are set aside and the Executing Court is directed to

give a formal notice of application under Order 21 Rule 37 CPC, to the petitioner and thereafter, pass an appropriate order in accordance with law.

This exercise be completed within a period of two months from the date of receipt of certified copy of this order.

Allowed accordingly.

04.10.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No