

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

273

CR No. 8133 of 2019

Date of Decision: 10.02.2020

Rahul Munjal

.....PETITIONER

Vs.

Tanmay minor through his mother Ragini

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. A. K. Khunger ,Advocate for the petitioner.

Ms. Ragini-respondent in person.

RAJBIR SEHRAWAT, J.(Oral)

This is a petition seeking for setting aside the order dated 27.11.2019 (Annexure P-5) passed by learned Civil Judge, (Junior Division), Abohar, District Fazilka issuing warrant of arrest of the petitioner in the execution application filed by the respondent.

Pursuant to the previous order dated 07.01.2020, the respondent has produced the certified copy of the corrected decree dated 25.02.2019, as delivered on 31.01.2020.

In view of the above, the learned counsel for the petitioner submits that since the correct decree has now been passed, therefore, the petitioner would like to avail his right to appeal for challenging the decree. However, since the petitioner was ordered to be arrested on the basis of non-executable decree, therefore, the warrant of arrest issued by the Executing Court be set aside.

Having perused the paper book and having heard the learned

petition, however with a direction that the warrant of arrest shall remain in abeyance for a period of two weeks so that the petitioner can avail his right to appeal, if any. If any, appeal is filed by the petitioner within this period of two weeks, then the question of arrest shall depend upon the order passed by the Lower Appellate Court. Otherwise, the warrant of arrest shall be executed against the petitioner.

Needless to say that the appeal, if any, filed by the petitioner shall be considered in accordance with law. This Court is not to be misunderstood as making any observations qua any aspect of any appeal which the petitioner may like to prefer.

(RAJBIR SEHRAWAT)
JUDGE

10.02.2020

Ali

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No