

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5285 of 2018 (O&M)
Date of decision:21.10.2022

Lakha Singh

..Petitioner

Versus

Harjinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Salil Bali, Advocate
for respondent no.1.

Mr. R.V.S.Chugh, Advocate
for respondent no.2 and 3.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a Judgment Debtor. A decree for recovery of Rs.5,30,000/- approximately, along with interest has been passed in favour of the respondents and against the petitioner. In the execution petition, the Court has issued the conditional warrant of arrest on the ground that he intentionally delaying and obstructing the execution of the decree.

On 16.08.2018, the following order was passed:-

“Learned counsel for the petitioner inter alia contends that before passing of the impugned order by the Executing Court issuing conditional warrants of arrest of the petitioner, no notice of the application filed under Order 21 Rule 31 CPC was issued; there was not even an averment made by the respondent No.1-decree holder that the petitioner is likely to abscond from the local jurisdiction of the Court; the petitioner has never created any hurdles in the execution of the decree against him nor has he sold even an inch of his land and that the petitioner undertakes to transfer 1 kanal 8 marlas of the land owned by him in favour of respondent No. 1 at any time to partly satisfied the decree against him.

Notice of motion for 06.12.2018.

Process dasti only.

*In the meanwhile, the conditional warrants of arrest issued against the petitioner are stayed. However, the execution proceedings may continue.
To be taken up in the urgent list.”*

The learned counsel representing the petitioner submits that during the pendency of the revision petition, on permission granted, the decree holder has already, in a court auction, purchased the land measuring 1 kanal and 8 marlas belonging to the petitioner. He submits that the aforesaid amount is required to be adjusted towards the satisfaction of the decree.

Keeping in view the aforesaid subsequent development, the order dated 05.04.2018, is set aside.

Let the Executing Court pass a fresh order, in accordance with law after granting an opportunity of hearing to the petitioner (judgment debtor). The petitioner shall have liberty to file an affidavit disclosing his further assets, if any. The Court will consider the explanation, if any, furnished by the Judgement Debtor before passing the fresh order.

With these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

October 21, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>