

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

109

**CR-2068 of 2019
Date of Order: 25.04.2022**

Bedi Devi (deceased) through LRs

..Petitioner

Versus

Upender Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Perna Chandna, Advocate, for
Mr. Saurabh Goel, Advocate,
for the petitioner.

Mr. Ajay Chaudhary, Advocate,
for the respondent

ANIL KSHETARPAL, J(Oral)

In an execution petition for payment of money, the Executing Court has issued conditional warrants of arrest against the Judgment Debtor- Ram Kesh. The Decree Holder claims that an amount of Rs.2,48,716/- is payable. Whereas, on the other hand, the Judgment Debtor claims that only Rs.10,166/- is the balance amount which they are prepared to pay. On reading of the impugned order, it is evident that the Executing court without adjudicating upon the aforesaid fact, has proceeded to issue warrants of arrest.

It is not in dispute that after issuance of notice of motion, Rs.9,484/- has been paid to the Decree Holder.

The Executing court before ordering issuance of warrant of arrest is expected to apply its mind and arrive at a conclusion about the exact amount payable, if any. In absence thereof, the Court cannot proceed to issue the warrants of arrest. There is a procedure prescribed under Order 21 of the Code of Civil Procedure, 1908, for that purpose.

Keeping in view the aforesaid facts, the order under challenge is set aside while directing the Executing Court to determine the amount, if any, payable by the Judgment Debtor as per the final decree.

With these observations, the revision petition is disposed of.

The parties through their counsels are directed to appear before the Executing Court on 13.05.2022.

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

April 25, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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