

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1382 of 2015 (O&M)
Date of Order: 09.08.2023

Resham Singh

.Petitioner

Versus

Raj Krishan (deceased) through his LRs

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. L.S.Sidhu, Advocate, for the petitioner.
Mr. Manu Loona, Advocate, for the respondent.**

ANIL KSHETARPAL, J

1. In the execution of a civil court decree for the recovery of the amount, the petitioner (Judgment Debtor) was sent to a civil imprisonment. He has already spent the aforesaid period in the prison and was released on 21.05.2014. Thereafter, the Executing Court has passed the following order:-

“No payment made today.

“In the circumstances, the J.D.-Resham Singh is, hereby directed to be summoned through conditional warrant of arrest for dated 27.02.2015.”

2. The learned counsel representing the petitioner contends that the petitioner cannot be imprisoned again after he has already undergone imprisonment.

3. On the other hand, the learned counsel representing the respondent submits that the petitioner has only been summoned.

4. Keeping in view the aforesaid facts, the order dated 28.01.2015, shall stand set aside, if the petitioner appears in person, before the Executing Court on the next date of hearing and files an affidavit disclosing his assets.

It is clarified that the petitioner shall not be imprisoned again when he has already undergone.

5. Disposed of accordingly.
6. All the pending miscellaneous applications, if any, are also disposed of.

August 09, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO