

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CR No. 3522 of 2023 (O&M)

Date of Decision : 02.06.2023

Ramesh Chand

...Petitioner

Versus

Kanwarpal Singh Aneja and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Dr. Tarunvir Saini, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

CM-10530-CII-2023

Application is allowed, as prayed for.

CR-3522-2023

The present civil revision petition has been filed challenging the order dated 05.05.2023 (Annexure P-1) vide which arrest warrants have been issued against the petitioner-judgment debtor for 26.05.2023 as the payment has not been made by the petitioner-judgment debtor in respect of the Award passed by the Lok Adalat dated 13.07.2019 (Annexure P-3).

Learned counsel for the petitioner-judgment debtor submits that now the said execution application is pending for 28.07.2023 and keeping in view the instructions from the petitioner-judgment debtor, the petitioner-judgment debtor is ready to discharge his liability but keeping in view his financial condition, he be given appropriate time to discharge

the said liability. Learned counsel further submits that in order to show the bona fide on the next date of hearing before the Executing Court, a sum of ₹50,000/- will be deposited.

Let an appropriate affidavit be filed by the petitioner-judgment debtor before the Executing Court giving a due proposal for the return of the amount, which should be put to the decree holder and thereafter, the Executing Court will be free to decide as to how to proceed in the execution application.

In case, the petitioner-judgment debtor complies with the undertaking and files an appropriate affidavit giving the details for discharging his liability before the Executing Court and deposits the amount of ₹50,000/- on the next date of hearing, the Executing Court may in consultation with the decree holder, decide as to how the decree is to be complied with.

Till the next date of hearing, the arrest warrants issued by the impugned order shall remain stayed. However, it is made clear that in case undertaking given by the petitioner-judgment debtor as noticed hereinbefore is not complied with by the next date of hearing before the Executing Court i.e. 28.07.2023, the Executing Court will be free to pass an appropriate order including the issuance of the arrest warrants.

Petition is disposed of in above terms.

June 02, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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