

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

129

2023:PHHC:147609

CR-7937-2019

Date of decision: 21.11.2023

PARAMPAL SINGH

..Petitioner

Versus

M/S. KAMALDEEP AMANDEEP COMMISSION AGENT

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurpreet Singh Thind, Advocate
for Mr. O.P. Kamboj, Advocate
for the petitioner.

Mr. Rahul Arora, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. In execution of a money decree, the petitioner (a farmer) is sought to be arrested. The Executing Court has issued the conditional warrants of his arrest on the ground that though the property of the petitioner has been attached, however, efforts to sell the same have failed. The respondent before this Court is a commission agent. A suit for recovery of Rs.5,25,776.07/- was decreed in favour of respondent and against the petitioner on 24.10.2008. During the pendency of the petition, the immovable property of the petitioner was attached. At the first instance, the Court is required to make sincere endeavour to sell the property. In the execution of a money decree, the judgment debtor can be ordered to be arrested and confined to prison only if it is found by the Court that he despite having the sources has intentionally neglected to pay the amount.
2. The learned counsel representing the petitioner submits that he has no objection if his property is sold in execution of the decree.

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3. He submits that the Court offered the respondent to purchase the same, however, the respondent refused.
4. The learned counsel representing the respondent has failed to controvert the aforesaid fact.
5. Keeping in view the aforesaid facts, the impugned order is set aside. The Executing Court is requested to proceed with the execution petition in accordance with law.
6. Disposed of accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

November 21st, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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