

2025.PHHC:079541



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

125

CR-3804-2025 (O&M)  
Date of decision: 03.07.2025

Lotus Builders and others

...Petitioners

Versus

Mahavir Sharma

...Respondent

125-2

CR-3831-2025 (O&M)

Arun Sharma and another

...Petitioners

Versus

Mahavir Sharma

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Deepak Malhotra, Advocate and  
Mr. Yajur Sood, Advocate for the petitioners.

Mr. Vikas Sharma, Advocate for the caveator-respondent.

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**VIKAS SURI, J.**

1. This order would dispose of both the above captioned revision petitions by a common judgment as they involve similar issues arising between the same parties. For convenience of narration, reference is being made from CR-3831-2025.

2. The prayer made is for setting aside order dated 31.05.2025



(Annexure P-1) passed by learned Executing Court, Chandigarh, whereby the application filed by the decree holder under Order 21 Rules 37 and 40 CPC for execution of money decree by arrest and detention in civil prison of the petitioner's-judgment debtors, has been allowed.

3. After arguing for some time and realizing some difficulty in persuading this Court, learned counsel for the petitioners, on instructions received during the course of hearing, submits that the petitioners are ready and willing to make an upfront deposit of Rs.5 lakh each in the two cases, to seek protection from arrest and detention in civil prison, at this stage. Learned counsel for the petitioners further states that the petitioners undertake that the aforesaid amount would be deposited in two equal installments, i.e., Rs.2,50,000/- in each case, totaling to Rs.5 lakh with learned Executing Court within a period of one week from today and the balance of like amount would be deposited within three weeks thereafter.

4. Per contra, Mr. Vikas Sharma, Advocate for the respondent-decree holder submits that the petitioners are not sincere about making any payments and have apparently made the aforesaid attractive statement only to buy time and to avoid their arrest and detention in civil prison. He, however, further submits that the respondent is only interested in realization of his decretal amount and not in sending the petitioners behind bars. He further submits that to test the *bona fide* of the petitioners, a conditional order may be passed whereby the interest of both sides is equally protected.

5. Heard learned counsel for the parties and perused the record.



6. In view of the aforesaid, the following consensual order is being passed:-

- i. The undertaking given on behalf of the petitioners, on instructions from them, is accepted. Accordingly, the petitioners are directed in terms of their undertaking to deposit Rs.2,50,000/- each, within a period of one week from today, with learned Executing Court in execution petitions No.530 and 531 of 2019 and the balance of the like amount within three weeks, thereafter.
- ii. It is, however, made clear that in case of default in making the aforesaid deposit, for any reason whatsoever, would be a breach of the aforesaid undertaking and the protection granted by this order would forthwith stand withdrawn.
- iii. The impugned order dated 31.05.2025 inasmuch as it deals with the application under Order 21 Rules 37 and 40 CPC shall remain in abeyance, to enable the petitioners to deposit the aforesaid amounts.
- iv. By way of abundant caution, it is made clear that in case of any default in payment as aforesaid, the impugned order would forthwith become operative without any further reference to this Court and the learned Executing Court will be duty bound to execute



the same, in accordance with law without any further delay.

7. In the eventuality of the petitioners honouring their undertaking noticed above and making payment of Rs.5 lakh in each of the two cases, the impugned order shall stand set aside on making of the payment of last of the amount(s) within four weeks from today, i.e., half amount within one week and the remaining within three weeks thereafter.

8. On the aforesaid amount being deposited with learned Executing Court, the same be released to the decree holder against proper receipt and identification, which amount would be adjusted against the decretal amount.

9. The respondent-decree holder would, thereafter, be at liberty to pursue his execution petitions for recovery of the remaining decretal amount, in accordance with law.

10. The present revision petitions are disposed of in the aforesaid terms.

July 03, 2025  
*sumit.k*

**(VIKAS SURI)**  
**JUDGE**

Whether speaking/reasoned :  
Whether Reportable :

Yes / No  
Yes / No