



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CR-2439-2026

Date of decision: 16.03.2026

SATYANARYAN ALIAS SATYANARAIN

....Petitioner

Versus

SUNIL KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Praven Kumar, DAG, Haryana.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition has been instituted under Article 227 of the Constitution of India for setting aside the impugned order dated 04.02.2026 (Annexure P-3) passed by the Civil Judge (Junior Division), Kanina in Execution Petition No. EXE-18-2025 titled *Sunil Kumar vs. Satyanarayan*, vide which the application of the petitioner/JD under Section 51 of the Code of Civil Procedure has been dismissed and the petitioner has been directed to be sent to civil imprisonment.

2. I have heard learned counsel for the parties and have gone through the material placed on the file.

3. Learned counsel for the petitioner contended that the impugned order dated 04.02.2026 passed by the learned Executing Court, whereby petitioner has been ordered to be sent to civil imprisonment for a period of three months is illegal, arbitrary and contrary to provisions of Order 21 Rules 37 and 40 CPC. Learned counsel further contended that the petitioner had moved an application



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before the learned Executing Court supported by his affidavit that he has no financial means to pay the decretal amount but the learned Executing Court without conducting a proper inquiry as required under Order 21 Rules 37 and 40 CPC and without recording a finding that petitioner is wilfully avoiding payment of decretal amount, passed an order sentencing him to civil imprisonment for three months which is liable to be set aside.

4. However, there is no force in the contentions raised by learned counsel for the petitioner.

5. Vide judgment and decree dated 28.11.2024, suit filed by the plaintiff-decree holder has been decreed and decree for recovery of Rs. 10,00,000/- has been passed in favour of the plaintiff alongwith interest @ 6% per annum. No doubt, the JD had moved an application and an affidavit that he does not own any property and is unable to satisfy the decree, but learned Executing Court in the impugned order has specifically observed that the JD has moved an application before Drug Control Authorities, Narnaul seeking permission to open a pharmacy, wherein he has also furnished an affidavit that he has taken a shop on rent @ Rs.1,500/- per month with effect from 23.06.2025, which is in his possession and he has also engaged a registered pharmacist for sale, purchase and distribution of drugs to whom salary @ Rs.18,500/- is being paid. He has also installed a refrigerator in a working condition in the said premises for storage of drugs. As such, learned Executing Court came to the conclusion that the contents of the affidavit furnished by the JD before Food and Drugs Administration, Narnaul are contrary to the affidavit furnished in the Court and he has sufficient means to pay the decretal amount and thus rightly ordered him to be sent to civil



imprisonment for a period of three months. The impugned order thus does not suffer from any material illegality or manifest error and no interference in the same is called for.

6. Resultantly, petition in hand is ordered to be dismissed.

16.03.2026
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(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No