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

**CR-6022-2025 (O&M)
Date of Decision: 02.09.2025**

Arun Sharma and another

.....Petitioners

Vs.

Mahavir Sharma

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Deepak Malhotra, Advocate,
for the petitioners.

SUDEEPTI SHARMA J. (ORAL)

1. The present revision petition has been filed for setting aside the impugned order dated 27.08.2025 passed by learned Civil Judge (Senior Division), Chandigarh, in Execution Petition No.531 of 2019.

2. Learned counsel for the petitioners contends that during the pendency of the appeal, the conditional warrants of the petitioners were issued for 04.09.2025 by the Civil Judge (Senior Division), Chandigarh, vide its order dated 27.08.2025 without appreciating the very fact that appeal filed by the petitioners is pending adjudication. He, therefore, prays for setting aside the impugned order dated 27.08.2025 passed by learned Civil Judge (Senior Division), Chandigarh.

3. I have heard learned counsel for the petitioners and perused the case file with his able assistance.



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4. A perusal of the file shows that respondent moved the second application under Order 21 Rule 37 & 40 CPC read with Section 151 CPC for execution of the money decree by the arrest and detention in civil imprisonment of the petitioners since they failed to comply with the judgment and decree dated 06.07.2019. The first application filed by the respondent for arrest and detention of the petitioners was decided in his favour, vide order dated 31.05.2025, whereby, conditional warrants of arrest of the petitioners were issued. The said order dated 31.05.2025 was challenged by the petitioners before this Court in CR-3804-2025, which was disposed of by this Court, vide order dated 03.07.2025, whereby, petitioners were directed to deposit a sum of Rs.5,00,000/- in two equal installments of Rs.2,50,000/- each. The petitioners deposited the said two installments and the same were released to the respondent in compliance to the order dated 03.07.2025 passed by this Court. This Court vide order dated 03.07.2025 observed that after making payment of Rs.5,00,000/-, the impugned order dated 31.05.2025 would be set aside and liberty was given to the respondent to pursue his execution petition for recovery of the remaining decretal amount in accordance with law. A perusal of the file further shows that still the petitioners are liable to pay further amount of Rs.8,61,014/- as due on 31.07.2025 along with interest at the rate of 6% per annum with effect from 01.08.2025 onwards.

5. Further, a perusal of the order dated 14.08.2025 passed by learned Additional District Judge, Chandigarh, in the appeal filed by the



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petitioners shows that the execution was stayed subject to compliance of order passed by learned Additional District Judge, wherein, the petitioners were directed to deposit FDR in the sum of Rs.12,00,000/- as a condition precedent for stay of execution proceedings. Further, in the impugned order, it has been observed that the Income Tax Returns of the petitioners shows that there are cash deposit of Rs.20,00,000/- and Rs.13,28,000/-. Further, the Income Tax Returns also shows that there are rental income also, still the petitioners did not pay the decretal amount. Since the petitioners were pressing regarding pendency of appeal before the executing court and it has rightly been observed by the executing court that there is no stay in the appeal since the stay granted vide order dated 14.08.2025 was conditional subject to deposit of FDR in the sum of Rs.12,00,000/-, which was also never complied with by the petitioners.

6. In view of the above, I do not find any infirmity or illegality in the impugned order dated 27.08.2025 passed by learned Civil Judge (Senior Division), Chandigarh, and the same does not warrant any interference by this Court. Consequently, the said impugned order dated 28.07.2025 is upheld and the present petition is hereby **dismissed**.

7. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

02.09.2025

Virender

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No