

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****205****CR-1784-2024 (O&M)****Date of Decision : 01.05.2025**

Mohan Singh

....Petitioner

VERSUS

Darshan Kumar

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Didar Singh, Advocate for  
Mr. S.S. Rangi, Advocate for the petitioner.

Mr. Rahul Jaswal, Advocate for the respondent.

**ALKA SARIN, J. (Oral)**

1. The challenge in the present revision petition is to order dated 07.03.2024 vide which the application filed by the respondent (decree-holder) under Order XXI Rule 37 read with Section 151 of the Code of Civil Procedure, 1908 for arrest and detention of the petitioner (judgment-debtor) in civil prison was allowed. Aggrieved by the same, present revision petition has been filed.

2. On 20.03.2024 the following order was passed :

*“Learned counsel for the petitioner would contend that out of the decretal amount of Rs.16,00,000/-, an amount of Rs.6,00,000/- already stands deposited. It is further the contention that the petitioner is ready and willing to pay the balance amount, however, he may be allowed to pay the same in installments.*

*Notice of motion.*

*Mr. Rahul Jaswal, Advocate accepts notice on behalf of the respondent and filed his vakalatnama, which is taken on record.*

*List on 29.07.2024.*

*On furnishing security for the decretal amount to the satisfaction of the Executing Court, proceedings before the Executing Court shall remain stayed.”*

3. On 06.03.2025 learned counsel for the respondent had stated that though the security had been furnished, however, it is qua a residential house, which is not permissible in law. Vide order dated 06.03.2025 the Executing Court was directed to decide the objections before the next date of hearing. Vide order dated 25.04.2025 the objections qua the security, which was filed by the respondent (decree-holder), have been dismissed and the security has since been accepted.

4. In view of the above, the present revision petition is allowed and the impugned order dated 07.03.2024 accordingly stands set aside. The Executing Court shall now proceed with the matter in accordance with the law.

5. Disposed off. Pending applications, if any, also stand disposed off.

01.05.2025  
jk

**( ALKA SARIN )  
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO