



CR No. 5117 of 2025 (O&M) -1-

265 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 5117 of 2025 (O&M)  
DATE OF DECISION: 12.08.2025

PARVEEN KUMAR

.....PETITIONER

Vs.

SANJEEV KUMAR

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Munish Garg, Advocate,  
for the petitioner.

Mr. Hitesh Verma, Advocate,  
for the respondent.

\*\*\*\*\*

**AMARINDER SINGH GREWAL, J.**

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 21.07.2025 (Annexure P-7), passed by the learned Civil Judge (Senior Division), Barnala, whereby warrants of arrest of the petitioner have been issued under Order 21 Rule 38 of the Code of Civil Procedure, 1908 (for short, 'the CPC') in Execution Petition No. 122 of 2023, dated 03.05.2022 arising out of CS/402/2022, titled *Sanjeev Kumar vs. Parveen Kumar* (Annexure P-2).

2. Brief facts are that an application under Order 21 Rule 37 of the CPC was filed by the decree-holder for sending the judgment-debtor to civil prison. The same was decided on 28.05.2025 [Annexure P-8 (colly.)], wherein the learned Civil Judge (Senior Division), Barnala, directed the decree-holder to adduce evidence to prove the *mala fides* and dishonesty of



CR No. 5117 of 2025 (O&M) -2-

the judgment-debtor, as alleged, in the inquiry contemplated under Order 21 Rule 40 of the CPC, for 01.07.2025.

2.1. On 01.07.2025, counsel for the judgment-debtor stated that the judgment-debtor was unwell and placed a medical slip on record. The case was then adjourned to 07.07.2025 for the decree-holder's evidence to prove the alleged *mala fides* and dishonesty in the said inquiry under Order 21 Rule 40 CPC. Similarly, the orders dated 07.07.2025 and 15.07.2025 reflect that the matter continued to be adjourned for the same purpose.

2.2. However, on 21.07.2025, vide the order now impugned (Annexure P-7), warrants of arrest of the judgment-debtor under Order 21 Rule 38 CPC were straightaway issued for 30.07.2025.

3. Learned counsel for the revisionist-petitioner submitted that the petitioner, Parveen Kumar, is a poor person and should be granted an opportunity to appear before the learned lower Court to ventilate his grievances.

4. Notice of motion.

5. Mr. Hitesh Verma, Advocate, appears and accepts notice on behalf of the respondent and has filed his memorandum of appearance in Court today, which is taken on record. He submits that the order dated 21.07.2025 (Annexure P-7) is well justified and prays for dismissal of the present petition.

6. Having considered the facts and circumstances, this Court is of the view that the revisionist-petitioner deserves one opportunity to appear before the learned lower Court to have his grievances heard. Accordingly,



**CR No. 5117 of 2025 (O&M) -3-**

the present petition is disposed of with a direction that the revisionist-petitioner shall appear before the learned lower Court on the next date of hearing, and the learned lower Court shall hear his submissions and decide the matter in accordance with law.

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

**AUGUST 12, 2025**  
nitin

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

Whether Speaking	Yes
Whether Reportable	No