



CR-448-2025(O&M)

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

CR-448-2025(O&M)

Date of decision:02.05.2025

Panna Lal

..Petitioner

Versus

Chhinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner

Mr. Onkar Rai, Advocate for the respondent

ANIL KSHETARPAL, J. (Oral)

1. The Executing Court has ordered civil imprisonment to the petitioner on account of his failure to honour the decree for recovery of amount.

2. Learned counsel representing the petitioner submits that the judgment debtor submitted before the Executing Court that he is an insolvent and has no means to pay the decretal amount. He relies upon the judgment passed in **Jolly George Varghese and another vs. The Bank of Cochin AIR 1980 SC 470.**

3. Per contra, the learned counsel representing the respondent submits that the judgment debtor is required to be sent to the civil imprisonment once he owns a property, however, he claims exemption under Section 60(1)(ccc) of the Code of Civil Procedure, 1908. From a reading of the impugned order, it is evident that the Executing Court has not adverted to the aforesaid aspect of the matter. Hence, the same is set aside while directing the Executing Court to pass a fresh order.



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- 4. The revision petition stands allowed.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

02.05.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No