



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

**CR No. 7087 of 2025**

**DATE OF DECISION :- 13.10.2025**

**Rohit Sheoran and another**

**...Petitioners**

**Versus**

**Om Parkash and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

**Present:-** Mr. Parminder Singh, Advocate for the petitioners.

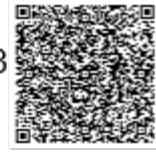
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**VIRINDER AGGARWAL, J. (Oral)**

1. Petitioners have assailed the order dated 23.09.2025 passed by learned Executing Court whereby the warrants of arrest of the petitioners have been issued in violation of provisions of Order 21 Rule 37 read with Rule 41 of CPC as no show cause notice has been issued to the petitioners before issuance of arrest warrants.

2. I have heard learned counsel for the petitioners and have gone through the impugned order. The relevant portion of the impugned order reads as under :-

*“In absence of any ownership rights of the JDs over any attachable assets, the execution court cannot proceed against the premises under reference or articles, if any, lying kept there. The only appropriate legal course left for recovery of Rs.21,75,000/- along-with interest @ 6% from 23.12.2015 till actual realization of the decretal sum is by issuing conditional warrants of arrest against Rohit Sheoran and Rahul Sheoran,*



*sons of Shamsheer Singh, resident of House No, A4, the Karnal Cooperative Sugar-mills Ltd., Karnal or at their any other place of residence or place of work falling within the territorial jurisdiction of this Court. Ordered, accordingly.”*

3. A perusal of the relevant portion of the impugned order clearly show that before issuing the arrest warrants, no show cause notice has been served upon the petitioners JDs whereas the provisions of Order 21 Rule 37 of CPC mandates the same unless and until the matter is covered by the proviso to Rule 37(1) of Order 21 of CPC. The relevant rule is reproduced as under :-

*“37. Discretionary power to permit judgment-debtor to show cause against detention in prison.-(1) Notwithstanding anything in these rules, where an application is for the execution of a decree for the payment of money by the arrest and detention in the civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court 1 [shall], instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to the civil prison:*

*[Provided that such notice shall not be necessary if the Court is satisfied, by affidavit, or otherwise, that, with the object or effect of delaying the execution of the decree, the judgment-debtor is likely to abscond or leave the local limits of the jurisdiction of the Court.]*

*(2) Where appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor”.*

4. The learned Executing Court has issued the arrest warrants of the petitioners without following the procedure provided under Order 21 Rule 37 of CPC. So the jurisdiction exercised by the learned Executing



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Court is patently violative of the mandatory provisions of CPC. The same is not sustainable. As such the impugned order is set aside and the revision petition is allowed accordingly.

**(VIRINDER AGGARWAL)**  
**JUDGE**

**13.10.2025**

*P.Singh*

Whether speaking/reasoned                      Yes/No

Whether Reportable                                      Yes/No