



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

(120)

CR-5925-2025

Date of Decision:-**02.09.2025**

M/S RAJ KIRYANA STORE AND ANOTHER

... Petitioner

Versus

STATE BANK OF INDIA

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vikrant Sharma, Advocate
for the petitioners.

Mr. Chandeeep Singh, Advocate,
for the respondent/SBI.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioners have invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, challenging the order dated 06.08.2025 (Annexure P-2), whereby the learned Executing Court has directed the issuance of '*conditional warrants of arrest*' against the petitioners in furtherance of execution proceedings arising out of a money decree.

2. It is an undisputed position between the parties that the stock of the petitioners stand hypothecated in favour of the decree-holder bank. However, according to the report submitted by the process-serving agency, the said stock could not be located at the designated premises, and the shops of the petitioners itself was found to be untraceable. In light of this, learned counsel for the petitioners submits that the petitioners shall personally



accompany the Court Bailiff to the location of the shop, render full cooperation in the attachment of the hypothecated stock towards satisfaction of the decree, and shall not, in any manner, obstruct or impede the execution proceedings.

3. In light of the undertaking furnished by learned counsel for the petitioners, the learned Executing Court is directed to hold in abeyance the '*conditional warrants of arrest*' issued against the Judgment Debtor (hereinafter referred to as "JD"). The Executing Court shall, in the first instance, proceed to effect execution against the hypothecated stock. The JD shall extend full and unconditional cooperation to the Court and the executing officials in facilitating the attachment and sale of the hypothecated assets towards satisfaction of the decretal amount.

3.1 It is further clarified that in the event JD fails to produce or render access to the hypothecated stock, or otherwise obstructs the execution process, it shall be open to the Executing Court to revive and enforce the '*conditional warrants of arrest*' previously issued, in accordance with law.

4. However, observations made herein above may not to be construed as opinion on the merits of the case. Same are purely confined to the present controversy and deliberations.

5. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

02.09.2025
S. Pathania

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No