

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 512 of 2023

- Prahlad Humne S/o. Late Parasaram Humne, Now Aged About 61 Years, R/o. Rasmada, Tehsil and District - Durg Chhatisgarh. -- Defedant /Judgment Debtor --

---- Petitioner

Versus

- Ashok Kumar S/o. Manohar Lal Sharma, Aged About 56 Years R/o. Jagdamba TV Centre Sanichari Bazar Durg, Teshil and District Durg Chhattisgarh. -- Plaintiff/ Decree Holder --

---- Respondent

(Cause-title taken from Case Information System)

22.09.2023	Mr. Avinash Chand Sahu, Advocate for the petitioner. Learned counsel for the petitioner would submit that executing Court/ First Additional Judge to the Court of First Additional District Judge, Durg (C.G.) has issued non-bailable warrant for civil imprisonment of the petitioner without following the provisions contained in Order 21 Rule 37 of the CPC. He would submit that on 27.03.2019 the decree holder was directed to produce revenue records and the case was fixed for hearing on 12.04.2019. On 12.04.2019 the learned executing Court issued non-bailable warrant against the petitioner to send him in civil jail without following the provisions of Order 21 Rule 37 of the CPC. He would further submit that the summons was never served to the petitioner and in his absence such order was passed and recently he came to know about issuance of non-bailable warrant against him. I have heard learned counsel for the petitioner and perused the order impugned. It appears that the summons was never served upon the petitioner and without following the provisions contained under Order 21 Rule 37 of the CPC the order for issuance of non-bailable warrant was passed by the learned

executing Court, therefore, a strong case is made out for grant of stay. Therefore, it is ordered that there shall be stay on effect and operation of order dated 12.04.2019 till the next date of hearing.

Issue notice to the respondent on payment of P.F. by ordinary as well as registered mode.

List this case in the last week of October, 2023.

Sd/-
(Rakesh Mohan Pandey)
Judge