

Sandeep Jain Vs Kamal Sardana
CM No. 739/2025
In Appeal No. 290/2025

Present: Mr. Salabh Singhal, Advocate,
for the appellant.

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Appellant has posed a challenge to order passed by the Authority, whereby appellant has been awarded civil imprisonment after depositing of the subsistence allowance by the decree holder and consequently arrest warrants have been issued and forwarded to the City Metropolitan Magistrate, Delhi for service upon the Directors.

The order has been assailed on the following grounds that:

- i) the provision of Code of Civil Procedure (CPC) have been wrongly invoked by the Adjudicating Officer;
- ii) if it is presumed that the provisions of CPC are attracted having invoked Order XXI of CPC, no direction to file affidavit as envisaged by Order XXI Rule 41(2) of CPC was given. Thus, there was no question of issuing direction under Rule 41(3) of CPC;
- iii) no show-cause notice was served upon the appellant before directing civil imprisonment of the appellant, who is director of the appellant-company.

Appeal be registered.

Issue notice for 10.06.2025.

Dasti process as well.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

05.06.2025
Manoj Rana