

COCP No.1505 of 2015

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

**COCP No.1505 of 2015
Date of decision:03.07.2015**

Ajit Pal Singh

...Petitioner

Versus

D.N.Gupta and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajiv Kataria, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner had filed CR No.3474 of 2015 against the order by which his bank A/c No.309301010040559 in Union Bank of India, Sector-17, Chandigarh, was attached by the Civil Judge (Junior Division), Chandigarh under Order 38 Rule 5 of the Code of Civil Procedure, 1908. In that petition, the following order was passed by this Court on 20.05.2015:-

“Notice of motion for 05.10.2015.

Interim stay of the attachment order. The petitioner is directed to furnish security for the amount claimed in suit including costs as may be imposed before the Court below within a period of four weeks, failing which the order passed will stand.”

Counsel for the petitioner has submitted that the respondents are not obeying the order on the ground that the said order was a conditional order. According to him, there was no condition attached to the order because the interim stay of attachment order was independent of the other

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part of the order.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that the order dated 20.05.2015 was a conditional order because the attachment order passed by the Civil Court (Junior Division), Chandigarh, was stayed by this Court and the petitioner was directed to furnish the security for the amount claimed in the suit including the costs. It was made clear that if the security is not furnished within the stipulated period of four weeks, then the order passed by the Civil Judge (Junior Division), Chandigarh, would stand, meaning thereby the order of attachment would continue.

In view thereof, I do not find any merit in the present petition and hence, the same is hereby dismissed.

July 03, 2015
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(Rakesh Kumar Jain)
Judge