

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 1678 of 2015

Date of Decision: March 19, 2015

Hardeep Singh @ Deepa

.....Petitioner

Vs.

Rakesh Rikhi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.K.S. Rekhi, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Counsel for the petitioner submits that the plaintiff- respondent has filed a suit for recovery of an exaggerated amount without affixing the Court fee and the learned trial Court while passing the impugned order under the provisions of Order 38 Rule 5 CPC has directed the petitioner to furnish surety for a sum of Rs.3 crores. Counsel for the petitioner submits that the trial Court, ought to have considered the reasonableness of the amount claimed. It has been argued that the furnishing of security/ surety for exaggerated amount of Rs.3 crores will prejudice the rights of the petitioner to enjoy his property. Counsel for the petitioner submits that the trial Court

has not considered the above said circumstances and that the petitioner is ready to furnish surety/ security for a reasonable sum to secure the rights of the plaintiff/ respondent in the suit in case it is decreed.

After hearing learned counsel for the petitioner, I am of the considered opinion that the pleas raised before this Court have neither been taken up before the trial Court before passing of the impugned order.

Counsel for the petitioner, at this stage, seeks permission to withdraw this petition with liberty to move an application for modification of the order by offering security for reasonable amount.

Disposed of as withdrawn at this stage, with above said liberty.

March 19, 2015
sanjay

(M.M.S.BEDI)
JUDGE