

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

Civil Revision No.1627 of 2013 (O&M)

Date of decision: 23.07.2015

Subhash Chander

.... Petitioner

versus

The State Bank of Patiala Head Office, The Mall, Patiala (P.B.) and
Branch Office at Hansi, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Shalender Mohan, Advocate,
for the petitioner.

Mr. Deepak Thapar, Advocate,
for respondent No.1.

Mr. Sunil Panwar, Advocate,
for respondents 2 and 3.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. In a suit by a bank for recovery of money on a secured debt, an application for impleadment of a person, who claims right to the asset independently, was allowed by this court and he was granted permission to file a written statement before a particular date by order of this court in **Subhash Chander and others Versus State Bank of Patiala and others in Civil Revision No.6810 of 2009, dated 04.08.2010.** The statement could not be filed on that date

since the papers of the High Court in the civil revision had not been dispatched to the trial Court and the next day being a holiday, the statement was filed on the next adjourned date. The defendant filed an application to reject the statement on the ground that there had been a failure of compliance with a direction given by the High court with regard to the date before when written statement was to be filed. Incidentally, the written statement is purported to contain a counterclaim against a co-defendant. The counterclaim against a co-defendant is not competent in terms of the law laid down by the Supreme Court in *Rohit Singh and others Versus State of Bihar (now State of Jharkhand) and others-2006(12) SCC 734*. The point would be urged independently before the trial Court itself but I find that the impugned order cannot be supported in directing the rejection of the statement filed. I will find that there exists no ground for complaining that the orders of the High Court were not complied with. They could not have been complied because of the reasons already stated and if there was any delay, I condone the same. I direct the written statement filed by the petitioner already to be taken on record. I set aside the impugned order and allow for further progress of trial of suit in accordance with law.

2. Civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

23.07.2015
sanjeev