

CR-1946-2015 (O&M)

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

**CR-1946-2015 (O&M).
Decided on: March 30, 2015.**

Om Parkash

..... Petitioner(s)

Versus

Punjab and Sind Bank and others

..... Respondent(s)

*** * ***

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

**PRESENT Mr.Vaibhav Naraang, Advocate,
for the petitioner.**

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

The petitioner is one of the Judgment debtors in an ex parte decree passed in favour of respondent No.1 – decree holder. The said decree was passed on 4.2.2002 by the Civil Judge (Junior Division), Amritsar.

No application under Order 9 Rule 13 CPC seems to have been filed to set aside ex parte decree by any of the judgment debtors as informed by the counsel for the defendant-judgment debtor-petitioner.

The petitioner-judgment debtor had filed objections in the execution claiming that he had been impleaded as a guarantor for the borrowers and the borrowers had kept their properties under mortgage with the decree holder-plaintiff bank as security for advancement of the loan. None of the properties of the petitioner-

CR-1946-2015 (O&M)

objector had been kept as security under mortgage with the decree holder bank, as such the execution petition qua the petitioner objector was pre-mature and the execution application deserves to be dismissed qua him. The objections have been dismissed observing that all the defendants are jointly and severally liable to pay the decretal amount.

Counsel for the petitioner submits that objections of the petitioner having been dismissed he has got a remedy of filing appeal before the District Judge against the dismissal of objections and also appeal under Order 21 Rule 58 (4) CPC, against the attachment order, as such he be permitted to withdraw the present revision petition.

Disposed of as withdrawn with liberty to avail the above said remedies.

March 30, 2015.
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(M.M.S. BEDI)
JUDGE