

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2166 of 2014

Date of decision: 26.11.2015

Baghera Singh

..... Petitioner

Versus

Om Parkash

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. Rohit Kumar, Advocate for the respondent.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 21.02.2014, rendered by the Civil Judge (Jr. Divn.), Talwandi Sabo, petitioner-defendant was granted leave to defend a suit, filed by the respondent-plaintiff under Order XXXVII of the Code of Civil Procedure, for recovery of ₹2,30,000/- inclusive of interest subject, however, to furnishing surety to the extent of ₹2,30,000/- to safeguard the interest of plaintiff.

On March 25, 2014 this Court, while issuing notice of motion passed the following order:-

“Learned counsel, *inter alia*, contended although the trial Court has rightly granted the leave to defend the suit to the petitioner but still, illegally imposed a condition of furnishing the surety to the extent of ₹ 2,30,000/-. In support of his contention, he has placed reliance on a judgment of Hon'ble Apex Court in cases *M/s Mechalec Engineers and Manufacturers v. M/s Basic Equipment Corporation*, 1977 AIR (SC) 577 and *Babbar*

Vision India Pvt. Ltd. vs. Rama Vision Ltd., 2003(1) R.C.R. (Civil) 226.

Heard.

Notice of motion be issued to the respondent, returnable for 11.07.2014.

The operation of impugned order as it relates to the furnishing of surety of amount in question, is hereby stayed till further orders”.

Ex facie, vide an interim order referred to above operation of the order requiring the petitioner-defendant to furnish surety was stayed. And the said order continues to operate.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the petition be disposed of with a direction to the trial Court to consider and decide the suit within a period of six months from the date of receipt of certified copy of this order and the interim order dated 25.03.2014 could continue, in the meantime.

That being so, without examining the dispute on merits, the petition is disposed of with a direction to the trial Court to decide the suit within a period of six months from the date of receipt of certified copy of this order. In the interregnum, the condition as regards furnishing of surety, stipulated in the order dated 21.02.2014, shall remain stayed.

Revision petition stands disposed of in the above terms.

November 26, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**