

CR-4179-2015(O&M)

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

**CR-4179-2015(O&M).
Decided on: July 7, 2015.**

Pankaj Khandelua and others

... Petitioner(s)

VERSUS

Khandelua Oil and General Mills (Pvt.) Limited

... Respondent(s)

*** * ***

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

**PRESENT Mr.Anish Gautam, Advocate,
for the petitioners.**

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

The defendants- petitioners have suffered a money decree vide judgment passed by the trial Court. In an appeal filed before the lower Appellate Court, the lower Appellate Court while admitting the appeal has stayed the recovery of the money subject to defendants- petitioners furnishing surety bonds to the extent of Rs.22 lacs vide order dated 5.5.2015. Vide order dated 18.5.2015, it appears that lower Appellate Court has sought the bank guarantee from the petitioners and extended the period of furnishing surety.

After hearing the counsel for the petitioners, I am of the considered opinion that since recovery of money pursuant to a money decree is being stayed by the lower Appellate Court, it is always open to the Appellate Court to stay the recovery subject to any reasonable conditions i.e., subject to furnishing of adequate

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security for the satisfaction of the decree in case of dismissal of appeal. The order dated 18.5.2015, referring to the furnishing of bank guarantee does not appear to be an appropriate order superseding the earlier order dated 5.5.2015. With above clarification, I do not find any ground to interfere in the order passed by the lower Appellate Court. The lower Appellate Court shall give a fair opportunity to the petitioners to furnish surety to its satisfaction during pendency of the appeal in order to ensure that the appeal does not become infructuous in case interim protection is granted to the defendants— petitioners.

No ground is made out for interference.

This petition is disposed of with above said clarification/observation.

July 7, 2015.
rka

(M.M.S. BEDI)
JUDGE