

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 6424 of 2015 (O/M)  
Date of decision : 29.9.2015

Jagjeet Singh

..... Revisionist

Versus

Ved Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sherry K. Singla, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 18.8.2015 (Annexure-P-3), passed by the learned Additional Civil Judge (Senior Division), Talwandi Sabo, wherein on the suit filed by the plaintiff (respondent herein) under Order 37 of Code of Civil Procedure, 1908 (in short 'CPC') for recovery of Rs. 3,85,000/-, the lower Court, while granting leave to defend, passed the following order :-

“Arguments on the application for leave to defend heard. In view of the submissions made by both the parties, this Court is of the opinion that there is triable issue and defendant should be given opportunity to contest the case. However, he is granted leave to

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defend subject to furnishing surety bonds in the sum of  
Rs. 50,000/-..... .”

It comes out that the said order is not a speaking order.  
The lower Court has not given the reasoning that on what basis the  
said order has been passed. Hence, the non-speaking order  
passed by the lower Court is set aside. The case is remanded back  
to the lower Court with a direction to pass a speaking order.  
However, this would not mean that the lower Court will stick to the  
present order. It is always open to the lower Court to come to a  
different conclusion after discussing the matter on merits.

The present revision is accordingly disposed of.

(KULDIP SINGH)  
JUDGE

29.9.2015  
sjks