

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7609 of 2012
Date of Decision: February 19, 2015

State Bank of India

.....Petitioner

versus

Gurjant Singh

.....Respondent

CORAM: Hon'ble Mr. Justice Dr.Bharat Bhushan Parsoon.

Argued by: Mr.Sandeep Khunger, Advocate for the petitioner.

Mr.Tarun Singla, Advocate for respondent.

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Dr.Bharat Bhushan Parsoon, J.

1. Order dated 13.10.2011, vide which suit of the plaintiff-State Bank of India-petitioner herein was dismissed for non-deposit of publication charges, for summoning of the defendant is under challenge in the Revision Petition.

2. In the Revision Petition, it is claimed that the defendant-respondent herein has been playing truant with the bank in repayment of the loan amount borrowed by him from the petitioner-bank. It is further urged that when the petitioner-bank was left with no alternative but to file a suit and had to file the same for recovery of the loan amount, the borrower-respondent herein started playing truant in the Court as well. It is a conceded fact that due to fault of the lower Court lawyer, publication charges for service of the defendant-respondent herein by way of substituted mode i.e. by way of publication in the news paper could not be deposited but on the day of passing the impugned order, the requisite money had already been withdrawn from the Bank for its deposit with the Court but the suit was dismissed for non-compliance with the order.

3. As the respondent has already appeared before this Court through a counsel, there is no need to serve him again.

4. Sequelly, the impugned order is set aside. Parties/counsel would appear before the Court below on 17.03.2015. Respondent would file his written statement within 15 days on receipt of this order by the lower Court. The suit thereafter would be decided within six months.

February 19, 2015
anil

(Dr.Bharat Bhushan Parsoon)
JUDGE