

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8752 of 2015 (O&M)

Date of Decision.22.12.2015

Rambir Singh and another

.....Petitioners

Vs.

NPR Finance Limited and others

.....Respondents

Present: Mr. Rakesh Dhiman, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. A humble request which is not legal is declined since the petitioner wants to contend that his property as surety ought not to be proceeded against first and judgment debtor's property is available and he has given the details of the property. If he has details of judgment debtor's property, it will be open for him to proceed against him after satisfying the amount claimed by the creditor. In India, the liability of surety is co-extensive with that of the principal debtor and it will be open to the creditor to proceed against whomsoever he pleases. The counsel says that as an expression of bona fides, he will part with amount which fell to his share. Again the liability cannot be vivisected to the detriment to the creditor and it will be only a matter of adjustment amongst the principal debtor and the sureties and the creditor cannot be compelled to proceed against only to recover a portion of the amount purporting to fall to his share. As far as the

creditor is concerned, the whole of the liability can be unified and proceeded against any one person.

2. There is no scope for the intervention as sought by the petitioner. The revision petition is dismissed.

(K. KANNAN)
JUDGE

December 22, 2015
Pankaj*