

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5120 of 2015(O&M)
Date of decision : May 20, 2016

Suresh Kumar

..... Petitioner

Versus

Sarv Haryana Gramin Bank

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Lalit K. Gupta, Advocate
for the petitioner.

Mr. Anil Kumar Goyal, Advocate
for the respondent.

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?

Amit Rawal, J (oral).

The petitioner-respondent in a petition under Section 8 of The Haryana Agriculture credit operation and miscellaneous provision (Bank) Act, 1973 instituted before the appropriate authority i.e. Sub Divisional Officer (Civil) Thanesar, Kurukshetra is aggrieved of the ex-parte order and dismissal of the application seeking setting aside of the ex-parte order.

Learned counsel appearing on behalf of the

petitioner submits that on receipt of summons of the aforementioned proceedings he appeared before the concerned authority on 13.11.2014 and on 13.11.2014 the petitioner reached in the court and when he entered the court then one Pushpa (reader) met him and apprised that the court is on leave and will be served again by summons regarding the next date but thereafter no summons were received by him and on 11.2.2015 he received a letter which was issued by the respondent bank that the aforementioned petition has been allowed ex-parte vide order dated 13.1.2015.

He further submits that the application for setting aside the ex-parte order dated 13.1.2015 was moved but the same was dismissed in a most mechanical and sketchy manner vide order dated 21.7.2015. The impugned order is neither here nor there, the petitioner has been prevented to put across his defence as there are disputed questions of fact with regard to the disbursement of loan and repayment, thus urges this Court for setting aside the impugned order.

Mr. Anil Kumar Goyal, learned counsel appearing on behalf of the respondent submits that the revision petition is not maintainable and writ petition lies against the same. Even otherwise the counsel suffered a statement that there was no question of opening the settled matter, thus urges this court for affirming the impugned order.

I have heard learned counsel for the parties and appraised the paper book.

For the sake of brevity impugned order reads thus:-

“Today the case is presented. Counsel of both the parties are present. The arguments of Id. counsels have been heard. Sh. Suresh Kumar counsel have not objected regarding the loan amount and interest mentioned in the previous orders. There is no any ground with them regarding this. Therefore, there is no any strength in the application filed by the counsel of Suresh Kumar, thus the application is dismissed. After due compliance the file is consigned to the record room.”

It is a matter of record that application filed under Section 8 of the Haryana Agriculture credit operation and miscellaneous provision (Bank) Act, 1973 has been allowed in the absence of the petitioner vide order dated 13.1.2015. Realizing the fact that the application was filed for setting aside the ex-parte/final order, the same has been dismissed without assigning reasons as noticed above.

The authorities which have been given power to decide the judicial matter are supposed to follow the principles of natural justice, at least assign reasons but not in the manner as had been done.

Accordingly, the impugned order dated 13.1.2015 and 21.7.2015 (Annexure P-1 and P-3) are set aside. The application under Section 8 of the Haryana Agriculture credit operation and miscellaneous provision (Bank) Act, 1973 are restored back to its original number. The petitioner shall be granted one effective opportunity to put up his

defence, thereafter the authorities shall decide the matter in accordance with law.

The civil revision is allowed.

(AMIT RAWAL)
JUDGE

May 20 , 2016
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