

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6374 of 2016
Date of Decision: 24.09.2016

Naib Singh

.....Petitioner

Versus

Tejinderpal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sunny K. Singla, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed order dated 23.08.2016 passed by Civil Judge (Junior Division), Talwandi Sabo, District Bathinda.

[2]. Plaintiff-respondent filed a suit for recovery under Order 37 of Civil Procedure Code. Defendant-petitioner filed an application for leave to defend the suit before the trial Court. On the said application, learned counsel for the plaintiff-respondent suffered a statement that he has no objection if the application for leave to defend is allowed in favour of the defendant-petitioner subject to surety. On the basis of statement suffered by learned counsel for the plaintiff-respondent, the application

for leave to defend was allowed subject to surety of Rs.6 lacs and one more surety.

[3]. Learned counsel for the petitioner contends that impugned order dated 23.08.2016 passed by Civil Judge (Junior Division), Talwandi Sabo, District Bathinda is totally non-speaking. By relying upon order dated 29.09.2015 passed in **CR No.6424 of 2015** titled as **Jagjeet Singh Vs. Ved Parkash**, learned counsel contends that in similar circumstances, this Court was pleased to set aside the order on the ground of its non-speaking in nature and remanded the case back to the trial Court with a direction to pass a speaking order.

[4]. In view of nature of order which this Court proposes to pass, at this stage, there is no necessity of issuing notice to the respondent as no prejudicial order to the interest of the parties is being passed. In view of facts and circumstances of the case more particularly in view of non-speaking nature of the impugned order, this revision petition is allowed. Impugned order dated 23.08.2016 passed by Civil Judge (Junior Division), Talwandi Sabo, District Bathinda is set aside. The case is remanded back to the trial Court with a direction to pass a fresh order/speaking order in accordance with law.

[5]. Nothing expressed hereinabove shall be construed to be an opinion of the case on merits. Trial Court shall pass a

fresh order strictly in accordance with law on merits. This revision petition is disposed of accordingly.

September 24, 2016
Prince

(RAJ MOHAN SINGH)
JUDGE