

Civil Revision No. 810 of 2017 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No. 810 of 2017 (O&M)
Date of decision: 1.3.2017**

Canara Bank, Branch Office Banur, Sub Tehsil Banur, Tehsil and District
SAS Nagar, Mohali through its Manager & General Power of Attorney
Holder, Ms. Navrose Kaur Anand

... Petitioner

Vs.

Gaurav Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Nitin Gupta, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition is directed against the order dated
10.1.2017 passed by learned trial court, directing the defendant/petitioner-
Bank to release the vehicle of the plaintiff-respondent.

Heard learned counsel for the petitioner.

Facts are hardly in dispute. Petitioner-Bank took the possession
of vehicle of the plaintiff-respondent, as he defaulted in repaying the loan in
time. Plaintiff filed suit for mandatory injunction. During the pendency of
the suit, plaintiff suffered a statement before learned trial court that he paid

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an amount of ₹1 lac to the petitioner-Bank and he further said that, in future he will be depositing ₹16,000/- per month in the account of the Bank. The said statement made by plaintiff-respondent was accepted by the petitioner-Bank. It has been so pleaded in para 5 at page 4 of the paper book. In view of the mutual understanding between the parties, learned trial court directed the petitioner-Bank to release the vehicle in question.

The only argument raised by learned counsel for the petitioner was that after passing of the impugned order, plaintiff did not honour his statement suffered before learned trial court, as he is not depositing ₹16,000/- per month in the account of petitioner-Bank. If that is so, petitioner Bank, instead of filing present revision petition under Article 227 of the Constitution of India, ought to have filed an application before learned trial court itself, seeking modification in the order dated 10.1.2017. Had such an application been filed by petitioner before the learned trial court, an appropriate order would have been passed thereon.

So far as statement suffered by the plaintiff and acceptance thereof by the petitioner-Bank is concerned, it is a matter of record and the same are available at Page Nos. 11 and 12. Statement made by the plaintiff on 10.1.2017, reads as under:-

“Statement of Gaurav Kumar, Plaintiff

Stated that I will deposit Rs. 16,000/- in the account of bank on 20th of every month. If I fail to deposit said amount, the bank will take necessary action against me.”

The statement suffered by plaintiff was accepted by the Manager of petitioner-Bank and the same reads as under:-

“Statement of Chitranjan Sharma, Manager, Canara Bank

The above statement is accepted to bank.’

Another statement of the Bank Manager accepting an amount of Rs. 1 lakh from the plaintiff, reads as under:-

“Statement of Chitranjan Sharma, Manager, Canara Bank,
Banur, Authorised Officer from Bank

State that I have accepted demand draft No. 38184 of Rs.
1,00,000/- in the court on behalf of Canara Bank.”

In view of the abovesaid statement made by both the parties, it becomes crystal clear that both the parties would be bound by their respective statements. It goes without saying that if one of the parties is trying to back out from the compromise or is not honouring the statement made before the court, other party would be at liberty to approach the learned trial court apprising it that other party has not honoured the statement suffered before the court. However, instead of filing an appropriate application before the learned trial court, petitioner-Bank has rushed to this Court by way of present revision petition and that too, without there being any justification in this regard. Having said that, this Court feels no hesitation to conclude that the impugned order cannot be said to be an order suffering from any patent illegality. In fact, the impugned order is based on the abovesaid respective statements made on behalf of both the parties.

However, as noticed hereinabove, it is made clear that if the petitioner-Bank would move an appropriate application before learned trial court, it shall be considered and decided, in accordance with law.

No other argument was raised.

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Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

1.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No