

224-A

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

CR No. 1765 of 2018

Date of Decision: 03.08.2018

Tarsem Masih

.....Petitioner

Versus

Balwinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Vipin Mahajan, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

1. This revision petition has been preferred by the petitioner against the order dated 09.01.2018 passed by Additional Civil Judge (Senior Division), Gurdaspur to the extent of directing the petitioner to furnish bank guarantee in a sum of Rs.3 lacs.

2. The petitioner was proceeded against exparte and exparte judgment and decree was passed against him on 23.02.2016. An application under Order 9 Rule 13 CPC was filed for setting aside the aforesaid judgment and decree. Along with the application, an application for staying the execution proceedings was also moved.

3. The Executing Court while disposing application for interim stay directed the petitioner to furnish surety and bank guarantee to the tune of Rs.3 lacs within a stipulated period vide order dated 18.10.2016.

4. The said order was challenged in Civil Revision No.7417 of 2016. Vide interim order dated 07.11.2016, condition of execution of bank guarantee was stayed. Thereafter, the application under Order 9 Rule 13 CPC was ultimately decided by the trial Court and exparte judgment and decree dated 23.02.2016 was set aside subject to furnishing bank guarantee of Rs.3 lacs within a period of one month from the date of passing of order dated 09.01.2018.

5. In the light of aforesaid facts, Civil Revision No.7417 of 2016 became infructuous.

6. Order dated 09.01.2018 passed by Additional Civil Judge (Senior Division), Gurdaspur has been assailed in the present revision petition on the same analogy that instead of bank guarantee of Rs.3 lacs, petitioner can be obligated to furnish surety in the like amount to the satisfaction of the Executing Court.

7. The aforesaid prayer appears to be innocuous and the same has been accepted by learned counsel for the respondent.

8. In view of above, needful be done by the petitioner before the Executing Court by the next date of hearing.

9. Disposed of.

03.08.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No