

Civil Revision No.3209 of 2018 (O&M)

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

Civil Revision No.3209 of 2018 (O&M)
Date of decision: 14.05.2018

Sanjay Kumar Sharma

.....Petitioner

versus

Ashwani Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Munish Gulati, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, challenge has been laid to order dated 06.11.2017 (Annexure P-2), whereby the First Appellate Court has directed the petitioner to furnish security of ₹2.00 lakhs with one surety of the like amount.

Learned counsel for the petitioner *inter alia* contends that respondent No.1 on the basis of some gift deed got suit property mutated in his name wrongly and illegally and filed a suit for possession against the petitioner. The said gift deed has been challenged by the petitioner. Therefore, till the decision of the suit, petitioner is in lawful possession of the suit property and, thus, no order for furnishing financial security could have been passed against him.

Having given considerable thought to the submissions made by learned counsel for the petitioner, the impugned order is modified to the effect that petitioner would deposit a sum of ₹3.00 lakhs before the trial Court towards use and occupation charges which would be converted by the

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trial Court into STDR in some nationalised bank fetching maximum rate of interest, so as to save loss of interest to the party, who shall finally be held entitled for the same by the trial Court and keep the STDR receipt with it till further orders.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

(Ramendra Jain)
Judge

May 14, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.