

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

CR No. 5421 of 2018 (O&M)
Date of Decision: 27.09.2018

Jaspal Singh and others

.....Petitioners

Versus

Ram Partap and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.S. Chahal, Advocate
for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 24.04.2018, passed by the Additional District Judge, Mohali (for short, the Appellate Court), through which for non furnishing of bank guarantee or surety bonds of immovable property, which was the condition stipulated in the interim stay order granted to the petitioners, the same has been vacated.

The basic facts which need to be noticed for adjudicating upon the present petition are that the respondents filed a suit seeking therein recovery of ₹11,70,000/- along with interest which was decreed by the Trial Court on 18.04.2017. The petitioners filed an appeal against the aforesaid judgment and decree. Along with the appeal, an application for interim stay was also filed. In such application, after notice to the respondents, on 29.08.2017, subject to the petitioners furnishing a bank guarantee or surety bonds of immovable property in the sum of ₹13,00,000/- within one month from the date of the order, interim stay was granted in favour of the petitioners. Since the petitioners failed to either furnish a bank guarantee or

surety bonds of immovable property in the sum of ₹13,00,000/- within the stipulated time, through order dated 24.04.2018, the Appellate Court vacated the interim stay. It is this order which is under challenge in the present proceedings.

Learned counsel for the petitioners submits that the petitioners could not furnish the bank guarantee/surety bonds of immovable property on account of miscommunication between their counsel and themselves. It is further submitted that if permitted, the petitioners would furnish surety bonds of immovable property in the sum of ₹13,00,000/- within one week from today.

Without commenting on the reason given by the petitioners for having not furnished the bank guarantee or surety bonds but because the decree impugned by them in appeal has still not been executed and that in their appeal, after finding a prima-facie case in their favour, the Appellate Court had granted a conditional stay as also for the reason that their statutory remedy of appeal is still pending final adjudication, this Court is of the opinion that in the interest of justice the petitioners be granted one more opportunity to abide by the condition imposed by the Appellate Court for grant of interim stay. Accordingly, one week is granted to the petitioners to either furnish a bank guarantee or surety bonds of immovable property for an amount of ₹13,00,000/-. Enabling the petitioners to furnish the bank guarantee/surety bonds for one week from today, there shall be interim stay of the afore referred decree of the Trial Court dated 18.04.2017 and that the same would continue only if the petitioners comply with the condition imposed through this order. For the lapse on the part of the petitioners ₹10,000/- is imposed as costs to be paid by them to the respondents.

In the peculiar facts of the present case, the Appellate Court is further requested to dispose of the petitioner's appeal within three months from the date of receipt of a certified copy of this order.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

(DEEPAK SIBAL)
JUDGE

27.09.2018
sandeep

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