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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6240-2016

Date of decision : 09.02.2018

Bhagwan Dass

... Petitioner(s)

Versus

Punjab & Sind Bank and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Yashpal Thakur, Advocate for
Mr. Gurcharan Singh, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner-defendant is aggrieved of the impugned order, whereby an application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 03.09.2017, has been dismissed.

Learned counsel for the petitioner-defendant submits that the petitioner-defendant was never served in the civil suit filed by the Bank/respondent-plaintiff for recovery of ₹5 Lacs (an odd amount). Even no munadi or affixation was done. The petitioner acquired the knowledge of the aforementioned *ex parte* judgment and decree, when he received the notice, in execution application. During all this period, he remained oblivious of the pendency of the suit. Once the petitioner had denied the factum of receipt of the amount, the onus was on the Bank to prove it. The Bank officials made a forged entry, for which, they are already facing criminal trial as no amount was ever credited in the account of the

petitioner-defendant. All these factors have not been taken into consideration by the Court below, thus, urges this Court for setting aside the impugned order, under challenge.

I have heard the learned counsel for the petitioner and appraised the paper book.

On perusal of the impugned order, under challenge, the petitioner-defendant miserably failed to place on record any criminal proceedings, much less, statement of accounts to show that the loan amount was never credited in his account. If the grievance of the defendant was such genuine, nothing prevented him to straight way place on record the same, even the criminal proceedings have also not placed on record despite having availed extensive opportunities during the pendency of the application. The present revision petition has also been filed in the year 2016, though it has been listed in the year 2018. It is not discernible whether any execution application has been filed or not?

For the foregoing reasons, I do not find any illegality and perversity in the impugned order, under challenge, much less, no ground is made out for interference and accordingly, the present revision petition stands dismissed.

09.02.2018

Yogesh Sharma

(AMIT RAWAL)

JUDGE

✓

Whether speaking/reasoned

Yes/ No

✓

Whether Reportable

Yes/ No