

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

**RA-CR-65-CII of 2017 in
CR No.6068 of 2016
Date of decision : 14.5.2018**

Lt. Col. Inderjit Singh Hira (Retd.)

..... Petitioner

VERSUS

Jasleen Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Varun Garg, Advocate for
Mr.Kamna Kumar Jain, Advocate for the applicant.
Mr.Karan Gupta, Advocate for the non-applicant.
Ms.Devki Anand Sullar, AAG, Punjab.

AMIT RAWAL, J.

The prayer made in the application is to review
the order dated 19.1.2017.

There is miscellaneous application No.178-CII of
2017 for modification of the order dated 6.12.2016, on the
premise that in place of word "adequate security", there
should be word "adequate amount" which has been allowed
vide order dated 19.1.2017.

Mr.Varun Garg, learned counsel appearing on
behalf of applicant submitted that the order dated 19.1.2017
was passed at the back of the applicant. The expression
"adequate amount" has been considered not "adequate

security” and the Court is not permitting the applicant to deposit the security vide order dated 6.12.2016.

Mr.Karan Gupta, learned counsel for the non-applicant submitted that once the Court had already given the permission to withdraw the security by furnishing another security, the application aforementioned was moved from depositing adequate security to adequate amount has no error.

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

In the present case, claim pertains with effect from 1.5.2014 to 31.11.2014. This Court while allowing the aforementioned revision petition passed the following order:

"As regards the claim w.e.f. 1.5.2014 till 30.11.2014, the respondent-defendants are directed to furnish adequate security to the satisfaction of the Court below and the petitioner-plaintiff in case wants to withdraw the amount, will furnish the security and the entitlement of the same shall be determined at the final stage of the suit. The Court shall take into consideration the consequential effect strictly as per the provisions of law, ibid as the notice dated 9.9.2014 does not

indicate demand qua arrears of rent, therefore, I deem it appropriate that they shall deposit the amount and the plaintiff shall furnish security.

With the aforementioned observations, the impugned order is set aside and the revision petition stands disposed of."

However, on 19.1.2017, on the application moved by the non applicant/petitioner, the following order was passed:

"The prayer in the application is for modification of the order dated 6.12.2016 on the premise that in place of word "adequate security" there ought to have been word "adequate amount" to the satisfaction of the learned trial Court.

The application is allowed as prayed for. The order dated 06.12.2016 is modified and the word "adequate security" shall be read as "adequate amount" to the satisfaction of the learned trial Court. The remaining order shall remain the same."

I am of the view that the order dated 19.1.2017 was passed by this Court without issuing notice to the other side of the parties. This Court was made to understand that

once the liberty to the non applicant to withdraw the amount was granted, it would tantamount to furnishing security. I am afraid that the order has been misread and misconstrued by the non applicant/petitioner.

Resultantly, I allow the review application. The order dated 19.1.2017 is reviewed as there is an apparent error.

May 14, 2018
KD

(AMIT RAWAL)
JUDGE

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes / No