

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

Date of Decision: 21.08.2019

1. CR No.669 of 2019(O&M)

**Indian Overseas Bank through its Branch Manager Sh.
Sohan LalPetitioner**

Versus

Jaswinder Singh ChawlaRespondent

2. CR No.811 of 2019(O&M)

**Indian Overseas Bank through its Branch Manager Sh.
Sohan LalPetitioner**

Versus

Jaswinder Singh Chawla and anotherRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

**Present:Mr. Ritesh Kumar Bansal, Advocate
for the petitioner.**

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order, CR No.669 of 2019 titled Indian Overseas Bank through its Branch Manager Sh. Sohan Lal Vs. Jaswinder Singh Chawla and CR No.811 of 2019 titled Indian Overseas Bank through its Branch Manager Sh. Sohan

Lal Vs. Jaswinder Singh Chawla and another are being disposed of.

[2]. As per office report, service is complete. There is no representation on behalf of the respondent(s).

[3]. Petitioner/Bank has preferred this revision petition against the order dated 02.01.2019 passed by the Civil Judge (Junior Division), Ludhiana.

[4]. Perusal of the record would show that *ex parte* judgment and decree dated 21.07.2017 for recovery of Rs,83,375/- was passed in favour of the petitioner/Bank. Judgment debtor filed appeal against the aforesaid *ex parte* judgment and decree along with an application under Section 5 of the Limitation Act.

[5]. In the execution, judgment debtor filed objections on number of grounds. Even the objector/judgment debtor showed his willingness to execute bank guarantee till disposal of the appeal filed by him.

[6]. Admittedly, the appeal filed by the judgment debtor is time barred. No stay has been granted by the Lower Appellate Court so far. Civil Judge (Junior Division), Ludhiana vide the impugned order rejected the prayer of the judgment debtor to furnish the bank guarantee and adjourned the case for payment of decretal amount even by means of warrants of attachment of

the property of the judgment debtor.

[7]. Though the objections filed by the judgment debtor were dismissed by the executing Court, still the Bank has come forward endorsing the prayer for furnishing bank guarantee by the judgment debtor so as to secure the claim of the secured creditor.

[8]. In view of facts and circumstances of the case, I deem it appropriate to allow the judgment debtor to furnish bank guarantee of the decretal amount along with interest till date till decision of the appeal and the application under Section 5 of the Limitation Act pending before the Lower Appellate Court in accordance with law.

[9]. Disposed of.

21.08.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No