

CWP-13637-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-13637-2017 (O&M)

Date of Decision: 11<sup>th</sup> January, 2019

Parkash Chand

...Petitioner

Versus

Punjab State Corporative Bank Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manuj Nagrath, Advocate, for the petitioner.  
Mr. N.S.Vashist, Advocate, for respondent No.1.  
Ms. Kanica Sachdeva, AAG, Punjab.

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AUGUSTINE GEORGE MAS IH, J. (ORAL)

On 03.07.2017, this Court had issued notice of motion and on that date, following order was passed:-

“Counsel for the petitioner has submitted that respondent No. 2 secured loan from respondent No. 1 for which petitioner and respondent No.3 stood as guarantor. An award was passed in terms of Section 55 and 56 of the Punjab State Cooperative Societies Act, 1961 for an amount of ₹ 4,45,911/- including the interest on 21.10.2015. It is stated that the petitioner was not served in the proceedings initiated under Section 55 & 56 of the aforesaid Act and therefore, proceeded against ex parte. As soon as the salary of the petitioner was attached, he inquired from the bank on 1.09.2016 and preferred the appeal which has been dismissed on the ground of delay.

Notice of motion for 24.07.2017.

Dasti as well.

In the mean time, recovery of the amount from the petitioner salary shall remain stayed till then.”

Perusal of the said order would show that the plea which has been taken by the petitioner while approaching this Court was that he has never been served in the proceedings before the Arbitrator and the *ex parte* proceedings, therefore, initiated against him in passing of the award is not sustainable and deserve to be set aside.

An application for eviction of stay has been filed i.e. CM-15788-CWP-2017. Along with the said application, there is appended the service report. A perusal of the same would show that the petitioner has been duly served on 18.09.2015 and he has affixed his signatures thereon, which is apparent from the vernaculars of Annexures R-1/1 and R-1/2 appended along with the application. The said documents have not been denied or controverted.

In view of the above, this Court is not inclined to interfere and entertain the present writ petition as the petitioner has not approached this Court with clean hand and tried to mislead the Court by making wrong averments in the writ petition.

The writ petition, therefore, stands dismissed.

In the light of the above, CM-15788-CWP-2017 is disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)  
JUDGE

11<sup>th</sup> January, 2019  
Harish

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |