

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

**CR-827-2021 (O&M)**  
**Date of decision: 03.09.2021**

Krishan Chand

...Petitioner

Versus

Hardev Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Jimmy Singla, Advocate,  
for the petitioner.

**(Presence marked through video conference).**

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**ARUN MONGA, J. (ORAL)**

Instant Civil Revision is for setting aside the impugned order dated 19.02.2021 passed by Civil Judge (Junior Division), Dhuri vide which application under Order 38 Rule 5 CPC filed by the respondent/plaintiff has been allowed. The petitioner/defendant has been directed to furnish a bank guarantee for a sum of Rs.5,22,000/-, by way of a security, till the disposal of the case.

2. Essentially the lis in hand is limited to the extent of ascertaining, whether in lieu of bank guarantee, petitioner can be permitted to furnish a collateral security of equivalent value, so as to secure the plaintiff/respondent for making recovery in case suit is decreed against petitioner.

3. Learned counsel for the petitioner submits that the petitioner is willing to deposit the title of the property owned by him, worth of

which is much more than the amount to be recovered from him in the pending suit.

4. In course of hearing, learned counsel for the petitioner has tendered copy of two sale deeds through email, the printout thereof is taken on record and marked as Annexure 'A'.

5. In view of the nature of order being passed, no notice is required to be issued to the plaintiff as his interest is being adequately secured.

6. It seems that the ends of justice would be met as long as the intent of the order impugned herein is implemented, inasmuch as, making sure that the defendant-petitioner herein furnishes a security of an equivalent amount, which is sought to be recovered from him in the pending suit i.e. Rs.5,22,000/-. In view thereof, order dated 19.02.2021 is modified to the extent that the petitioner-defendant shall deposit the title deeds of property registered in his name value of which shall be not less than the amount sought to be recovered from him. It is left open to trial Court to ascertain the valuation of the property of which the title deed is sought to be deposited by the petitioner. In case, the value of one property is found to be inadequate, it will be open for the trial Court to make the petitioner deposit both title deeds as equivalent security within a period of two months from today during pendency of the trial. The said title deed shall be kept in a safe custody of the Court record during the pendency of the trial.

7. In the premise, the impugned order dated 19.02.2021 is modified to the extent that instead of furnishing bank guarantee, the petitioner shall be allowed to deposit the title deeds of his property as aforesaid.

8. Disposed of accordingly.

**03.09.2021**  
vandana

**(ARUN MONGA)**  
**JUDGE**

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