

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

CR-2479-2021 (O&M)

Date of decision: 28.10.2021

Rita

...Petitioner

Versus

Baljeet Singh Bal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Narula, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The defendant in a suit for recovery assails the correctness of the order passed by the trial court while permitting her to defend the suit subject to furnishing indemnity/surety bonds to the tune of Rs.3,00,000/-. Learned counsel representing the petitioner contends that the learned trial court has erred in directing the petitioner to furnish indemnity/surety bonds. He contends that once the trial court has found that a triable issue is involved, the court erred in directing the defendant to furnish indemnity/surety bonds.

This Bench has considered the submission. The plaintiff has filed a suit under Order 37 of the Civil Procedure Code, 1908 on the basis of a pronote and receipt, which are negotiable instruments. The application filed by the petitioner for leave to defend has already been allowed. The defendant cannot insist that the leave to the defendant be granted without furnishing indemnity/surety bonds. Hence, no ground to

interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

28.10.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE