

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

103

(PROCEEDINGS THROUGH V.C.)

CWP-21416-2020

DATE OF DECISION: FEBRUARY 18, 2021

Maninder Singh

.....Petitioner

VERSUS

Punjab and Sindh Bank, Jalandhar and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. D. K. Bhatti, Advocate,
for the petitioner.

Mr. I. P. Singh, Advocate,
for respondent No.1.

Mr. S.P.S.Tinna, Addl.A.G., Punjab,
for respondent Nos.2 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 16.12.2020, the following order was passed:-

“ Learned counsel for the petitioner states that an amount of Rs.2,00,000/- will be paid by way of cheque to respondent No.1-Bank by tomorrow i.e. 17.12.2020 and further Rs.4,00,000/- within two weeks thereafter. The remaining amount shall be paid by the petitioner in six equal installments, starting the first installment from the month of February, 2021. Each installment will be deposited by the petitioner on or

before 07th of each month with respondent No.1-Bank. He further states that in case of default on the part of the petitioner, the interim relief which may be granted by this Court shall stand vacated.

This submission of the counsel for the petitioner appears to be quite acceptable in the light of the fact that the residential house of the petitioner is at stake. The offer as made by the petitioner's counsel is also accepted by the counsel for respondent No.1-Bank.

In view of the above and for testing the bonafide of the petitioner, hearing of the case is deferred to 18.01.2021.

In the meanwhile, status quo with regard to the possession as it exists today shall be maintained.”

2. Thereafter on 18.01.2021, the following order was passed:-

“ Learned counsel for the petitioner apologizes on behalf of the petitioner for having not been able to deposit the amount of Rs.4,00,000/- within the stipulated period, as per the undertaking given before this Court on 16.12.2020. He, however, states that the said cheque dated 18.01.2021 drawn on Axis Bank will be deposited with the respondent-Bank today itself. He, further states that in case there is any default on the part of the petitioner as per the statement/undertaking given by the petitioner as recorded in the order dated 16.12.2020, the petitioner would not seek further extension of time and the writ petition may be dismissed because of the said default.

In the light of above statement of learned counsel for the

petitioner, the delay on the part of the petitioner in depositing of Rs.4,00,000/- is condoned.

Let the amount of Rs.4,00,000/- through cheque be deposited with the respondent-Bank today itself. As regards the other aspect, in case of any default in payment of monthly installments on the part of the petitioner as per the order dated 16.12.2020, not only the stay order would be vacated but the writ petition will also be dismissed on that ground alone.

List on 19.02.2021.”

3. Today, counsel for the petitioner informs the Court that the petitioner has not been able to deposit the instalment amount of ₹4,00,000/- and rather has only deposited ₹3,35,000/-The order, as passed by this Court, has still not been complied with.

4. In the light of the order dated 18.01.2021 passed by this Court, we do not find any ground to continue with the present writ petition and, therefore, dismissed the same.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**February 18, 2021
khurmi**

**(ASHOK KUMAR VERMA)
JUDGE**

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