

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

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**Civil Revision No.3285 of 2021
Date of decision:15.12.2021**

**GURPARSHAD TRUST (REGD.) RELIGIOUS AND
CHARITABLE**

...Petitioner

Versus

M/S SUBHASH POLYTEX LTD. AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Aayush Gupta, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The petitioner (a religious and charitable institution) assails the correctness of the order passed by the Additional Civil Judge (Sr. Division), Ludhiana, on 02.03.2019.

The court while permitting the petitioner to withdraw the amount of Rs.14,40,000/- has directed it (the petitioner) to furnish indemnity bonds of Rs.20,00,000/- with one surety of like amount.

The learned counsel representing the petitioner contends that the petitioner is an owner of the tenanted premises and in the eviction petition, the matter has been compromised. While drawing the attention of the Court to an order dated 02.03.2019, he submits that the alleged tenant was declared ex-parte before the Court when the application was decided. He further submits that no reason has been given by the trial Court to direct the petitioner to furnish the indemnity bonds with one surety of the like amount. The petitioner claims to be a landlord whereas the amount in question has been deposited by the tenant. In the absence of the reasons recorded by the trial Court, this court is unable to examine the validity thereof.

If the amount is payable to the petitioner and there is no dispute, the Court was not justified in directing the petitioner to furnish indemnity bonds of Rs.20,00,000/- with one surety of like amount.

Keeping in view the aforesaid facts, the learned trial Court is requested to pass a fresh order after considering all the aspects of the matter within a period of 15 days.

Since this order has been passed without issuing notice to the respondents, therefore they shall have a liberty to file an application for its recall, if so advised.

Disposed of accordingly.

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

December 15, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No