

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

CR-817-2019 (O&M)

Date of decision: 29.08.2022

Veena

...Petitioner

Versus

V.P.Sharma

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S.Sarna, Advocate for the petitioner

Mr. Amit Jaiswal, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

While granting leave to defend to the defendant in a summary suit filed under Order XXXVII Rule 3 of the Code of Civil Procedure, 1908, the court has directed the defendant to furnish the fixed deposit receipt of the 50% of the amount claimed in the suit.

Learned counsel representing the petitioner contends that the defendant is working as a Peon in Bal Bhawan, drawing a very meagre salary. He submits that she does not have resources to deposit 50% of the amount claimed in the suit.

Once the court has found that the defendant is entitled to leave to defend, the court can impose conditions in the order so as to secure the interest of the plaintiff. However, such conditions cannot be onerous. The court is required to examine the financial status of the defendant before passing a conditional order.

In the facts of the case, let the petitioner furnish security in the form of immovable property owned by her or someone else, with an indemnity bond while undertaking to honour the decree, if any passed

against her. She or the owner of the immovable property shall also file an undertaking that the aforesaid property shall not be alienated, mortgaged or charged during the pendency of the proceedings.

Disposed of.

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

29.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE