

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

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**CR-374-2021
Date of Order: 22.04.2022**

MANJIT SINGH

..Petitioner

Versus

KARAMJIT SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Janak Singh Bhinder, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of order passed by the learned trial Court directing him to give surety equivalent to the suit amount while granting leave to defend in a suit filed under Order 37 of the Code of Civil Procedure, 1908, the defendant has filed the present revision petition.

The suit was filed for recovery of Rs.12,00,000/- on the basis of a pronote and receipt which are negotiable instruments. The Court on appreciation of the contents of the application, has granted leave to defend but ordered the defendant to furnish surety equivalent to the suit amount.

The learned counsel representing the petitioner contends that once the Court has found that a triable issue has arisen then the leave to defend is required to be granted unconditionally.

In the considered view of the Court, while granting leave to defend, the Court only examines the case prima facie. The Court has ordered the defendant to give surety equivalent to the suit amount in order to secure the interest of the plaintiff if the suit is ultimately decreed.

In the facts and circumstances of the present case, let the defendant (petitioner) furnish security of immovable property equivalent to the suit amount.

With all these observations, the revision petition is disposed of.

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

April 22nd, 2022
Ay

(ANIL KSHETARPAL)
JUDGE

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