

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

Sr. No.121

CR No.5684 of 2022

Date of Decision: 05.12.2022

Balmat Singh

.... Petitioner

Versus

The Karnal Central Cooperative Bank Ltd.
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Parminder Singh, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 06.10.2022 (Annexure P-4) passed by trial Court whereby the petitioner/defendant's application for dismissal of the suit against defendants No.1 and 3, was declined. The plea taken was that they had no concern with the dispute in question which was between the plaintiff Bank and defendant No.2.

The facts of the case in brief are, a recovery suit was filed *inter alia* on the ground that the amount of cheque issued by defendant No.2 was wrongly credited to the accounts of present petitioner/defendant No.1 and defendant No.3. Recovery of the said amount has been sought. In view of these facts, the trial Court held that the petitioner/defendants No.1 and 3 are necessary parties, and the application filed by them was not maintainable.

Learned counsel for the petitioner is not in a position to dispute the fact that the amount of money was, in fact, transferred in their accounts. That being the position, it is a matter of trial to ascertain as to whether the amount was rightly or wrongly credited to their accounts. Therefore, the plea that suit is not maintainable against them, can not be entertained.

Petition stands dismissed.

Nothing said herein would have any bearing on the merits of this case.

(TRIBHUVAN DAHIYA)
JUDGE

05.12.2022
Maninder

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