

2023:PHHC:094211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR-291 of 2021 (O&M)
Date of Order: 25.07.2023

Phool Singh Saini

.Petitioner

Versus

Ram Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. A.S.Shera, Advocate,
for the petitioner.**

**Mr. Mohit Jaggi, Advocate,
for the respondent.**

ANIL KSHETARPAL, J

1. The petitioner is a defendant in a suit for recovery of Rs.50,00,000/- on the basis of the dishonour of the cheques. Previously, the petitioner was proceeded against ex-parte, but subsequently the ex-parte order was set aside. After setting aside the ex-parte proceedings, the application of the petitioner to grant leave to defend has been allowed subject to furnishing the surety bond equivalent to the suit amount.

2. The correctness of the aforesaid order has been challenged in this revision petition.

3. The learned counsel representing the petitioner submits that the criminal complaint filed under Section 138 of the Negotiable Instrument Act, 1881, has been dismissed and therefore, the order directing the petitioner to furnish surety bond is wrong.

4. This court has considered the submission of the learned counsel representing the petitioner.

5. Cheque issued by the parties is a negotiable instrument. The suit has been filed on the basis of the cheques. The court has only ordered the petitioner to furnish surety bond equivalent to the suit amount.
6. Keeping in view the aforesaid facts, no ground to interfere is made out.
7. Dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

July 25, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO