

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

CR No. 2741 of 2023

DATE OF DECISION :- May 08, 2023

M/s Keemat Foundry and another

...Petitioners

Versus

Varinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Gurcharan Dass, Advocate for the petitioners.

Mr. Rajdeep Singh Chugh, Advocate
for the respondent/caveator.

In a suit for recovery filed under Order 37 CPC for recovery of Rs.17,79,981/- by plaintiff Varinder Kumar, Proprietor M/s Ashutosh Steels, Ludhiana against M/s Keemat Foundry, Kot Mangal Singh, Ludhiana and its proprietor Prem Nath, on getting notice from the trial Court of Civil Judge, Junior Division respondents had put in appearance and filed an application for leave to defend the suit which was contested by the plaintiff. However, vide impugned order dated 23.2.2023 leave to defend was granted subject to defendants furnishing a bank guarantee equal to the suit amount before the Court. This order left the defendants aggrieved and they have challenged this order by way of filing a revision petition.

The plaintiff had filed caveat through counsel and has put in appearance.

I have heard learned counsel for the parties and going through the record.

I find that the directions issued by the trial Court directing the defendants to furnish bank guarantee equal to suit amount is some what harsh. The same is modified inasmuch as the defendants are directed to deposit 50% of the suit amount in the trial Court within one month and furnish a written undertaking to pay the remaining amount within one month of decision of the suit, if the suit is decreed. This will replace the directions on furnishing bank guarantee equal to suit amount by the trial Court. In case needful is not done by the defendants within stipulated time the application for leave to defend is to be taken as dismissed. With such modification the revision petition is disposed of.

(H.S. MADAAN)
JUDGE

May 08, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No