

CR-4209 of 2023

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

CR-4209 of 2023

Reserved on: 02.08.2023

Date of pronouncement: 23.08.2023

Neeraj Kumar

.....Petitioner

Versus

Allahabad Bank and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

NAMIT KUMAR, J.

1. This revision petition has been filed by defendant No.1-petitioner under Article 227 of the Constitution of India for modification of order dated 08.05.2023 passed by the Court of learned Civil Judge (Junior Division), Sub Division, Bilaspur, seeking extension of time to deposit the amount of Rs.3 lakhs.

2. Brief facts, relevant for the disposal of the present revision petition are that respondent No.1/plaintiff filed a suit for recovery of Rs.6,70,660/- on the ground that petitioner/defendant No.1 obtained agriculture loan facility of Rs.6,00,000/- and respondent No.2/defendant No.2 stood guarantor of the petitioner and promised to repay the loan amount if petitioner/defendant No.1 failed to repay the same. As the defendants failed to adhere to the financial discipline of the plaintiff-bank and did not pay the loan amount as per schedule

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despite issuance of legal notice, plaintiff-bank filed a suit for recovery, which has been decreed by the Court of learned Civil Judge (Junior Division), Sub Division, Bilaspur, vide *ex parte* judgment and decree dated 24.03.2021. Respondent No.1/plaintiff-bank filed execution application. During the pendency of the execution proceedings, petitioner filed an application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 24.03.2021 and petitioner made a statement that he will pay back the amount of Rs.3 lac from the total amount within 20 days. Learned Civil Judge (Junior Division), Sub Division, Bilaspur, issued notice of the application to respondent No.1/plaintiff-bank. Now the petitioner has approached this Court seeking more time to pay the aforesaid amount.

3. On 28.07.2023 request for adjournment was made on behalf of the learned counsel for the petitioner on the ground that he was in some personal difficulty and the case was adjourned to 02.08.2023. On 02.08.2023 despite calling the case twice, no one put in appearance on behalf of the petitioner.

4. Petitioner himself made a statement before the Civil Judge (Junior Division), Sub-Division, Bilaspur, that he would pay Rs.3 lakhs within 20 days from 08.05.2023. There is nothing on record to show that petitioner approached the Court below making a request for extension of time to deposit the amount as undertook by him and the same has been declined by the Court below. This Court does not find any merit in the present revision petition as the petitioner has

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straightway approached this Court without exhausting his appropriate remedy.

5. Dismissed.
6. Needless to assert that petitioner is at liberty to approach the trial Court for redressal of his grievance at first instance.

23.08.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No