

CR-5670-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.137

CR-5670-2023

Date of Decision: 25.09.2023

MANOJ DUGGAL

....Petitioner

Versus

VINOD DUGGAL AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arshit Goel, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the orders dated 01.09.2023 (Annexure P-7) and 20.09.2023, passed by learned Lower Court, though, the order dated 20.09.2023 has not been uploaded.

It is submitted by learned counsel for the petitioner that initially, the petitioner/plaintiff had filed a suit for recovery, after issuance of direction to defendant No.1-Vinod Duggal, for rendition of account of M/s Jawind Cold Store & Ice Factory, as evident from the copy of the plaint, copy whereof is Annexure P-1. During the pendency of the suit, an application was filed on 23.08.2023 under Order 26 CPC, for seeking permission to appoint Local Commissioner, to open the locker bearing No.AM00110, maintained with Punjab National Bank, GT Road, Phagwara Branch, along with the direction to the Local Commissioner to deposit the currency notes of the denomination of Rs.2,000/-, to preserve the said amount.

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Further, it is submitted that on the said application, order was passed by learned Lower Court on 23.08.2023, as evident from the zimini order, copy whereof is Annexure P-5. Though, it is stated in the order about the case to have been adjourned for reply on 23.08.2023 i.e. on the same date, but, inadvertently, it has been so mentioned. In fact, the case was adjourned for reply for 01.09.2023 and on the said date, reply to the said application was filed and the case was adjourned further for 20.09.2023.

Also, it is submitted that the order dated 20.09.2023 passed by learned Lower Court, has not been uploaded and as such, learned counsel does not know, as to what order, as such, was passed, *vis-a-vis* the application. However, learned counsel has drawn the attention of this Court to Annexure P-9, which is the website status, showing about the next date fixed in the case to be 04.10.2023 and the purpose has been mentioned as reply, which has since been filed.

It is further submitted by learned counsel that on account of recalling of the currency notes of denomination of Rs.2,000/- by the end of September, 2023, the disposal of the application for appointment of Local Commissioner, as such, is very essential, as there are chances of storing of Rs.2,000/- currency notes in the locker in question.

In view of the submissions aforesaid, the present revision petition is hereby allowed. Considering the urgency involved in the matter, the petitioner shall file an application for preponement of the case before learned lower Court, who shall issue a short notice of the said application to the respondents, through the counsel representing them and dispose of the application for appointment of Local Commissioner (Annexure P-4) immediately, in any case, not beyond 27.09.2023.

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Considering the urgency so involved, photocopy of this order be given to learned counsel for the petitioner, under the signatures of Superintendent/Bench Secretary of this Court.

25.09.2023

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No