



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Civil Revision No. 3841 of 2024 (O&M)  
Date of Decision: 17.07.2024

Shabeg Singh

..... Petitioner

**Versus**

Punjab National Bank

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. K.B.S. Mann, Advocate  
for the petitioner-plaintiff.

\*\*\*\*

**HARKESH MANUJA, J. (ORAL)**

The petitioner, by way of present revision petition, seeks setting aside of an order dated 12.04.2024 passed by learned Civil Judge (Junior Division), Amritsar (**hereinafter to be called as “trial Court”**), whereby the right of petitioner-plaintiff to further prosecute the suit stands struck off on account of non-payment of costs of Rs. 500/- imposed upon him by the trial Court vide order dated 19.09.2022.

[2] Briefly stating, the petitioner-plaintiff filed a suit for declaration against the respondent-Punjab National Bank. While the evidence of petitioner was being recorded on 19.09.2022, on account of multiple opportunities having been availed, costs of Rs. 500/- was imposed upon him and the matter was adjourned for 14.10.2022. However, on the said date, costs were not paid and the matter was again adjourned to 17.11.2022. Still further, the costs being not paid, the matter was again adjourned for 02.12.2022. Thereafter, an application came to be filed at the instance of respondent-Bank invoking Section 35 (B) of Civil Procedure Code with a prayer for dismissal of the suit for want of deposit

of costs. The said application was though opposed at the instance of petitioner-plaintiff, however, the trial Court, vide order dated 12.04.2024, disposed off the same with the following relevant observations:-

“ .....The application accordingly stands allowed. The right of the plaintiff to further prosecute the suit is struck off, though the suit at this stage is not liable to be dismissed as per settled law. The Plaintiff will be disabled from bringing any fresh evidence, though the witnesses of Plaintiff whose examination-in-chief has already been concluded can be cross-examined by the ld. counsel for the defendant. ”

[3] Impugning the aforesaid order dated 12.04.2024, learned counsel for the petitioner submits that the present is a case wherein the allegations of fraud have been levelled against the bank officials and for the said purpose, certain evidence still needs to be brought on record from the side of petitioner-plaintiff. He further submits that the fact of passing the impugned order would be that his right to lead further evidence stands forfeited and the same would cause serious prejudice to his substantive rights.

[4] Notice of motion.

[5] Mr. Gaurav Goel, Advocate, accepts notice on behalf of the respondent-Bank and opposes the prayer made on behalf of the petitioner, while submitting that the petitioner-plaintiff has been deliberately delaying the proceedings of the suit, which otherwise even is not maintainable in terms of Section 34 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**hereinafter to be referred as “the Act, 2002”**), especially when a specific declaration has been sought by the petitioner-plaintiff challenging notice under Section 13 (2) of the Act, 2002 issued by the respondent-Bank.

[6] I have heard learned counsel for the parties and gone through the paper-book.

[7] In the present case, though there does not appear any jurisdictional error on the part of trial Court, while passing the impugned order dated 12.04.2024, however, keeping in view the interest of justice and especially when the petitioner-plaintiff is willing to deposit the costs imposed by the trial Court as well as some compensation for the respondent-defendant (Punjab National Bank) on account of delay on his part while concluding his evidence, the **impugned order dated 12.04.2024** is hereby **set aside** with the direction that the petitioner would deposit a sum of Rs. 50,000/- (Fifty Thousand only) before the trial Court towards costs payable to the respondent-defendant, which shall be deposited by the petitioner on the date fixed before the trial Court on 23.07.2024. Further, the petitioner-plaintiff would conclude his entire oral as well as documentary evidence on the same date. It is made clear that no further adjournment for recording of evidence of the petitioner-plaintiff shall be granted by the trial Court.

[7.1] As regards the plea raised on behalf of respondent-defendant regarding the jurisdiction of trial Court to entertain a suit filed at the instance of petitioner-plaintiff, the trial Court is requested to decide the suit finally within a period of four months from today.

[8] **Disposed off** in the aforesaid terms.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 17, 2024  
'dk kamra'

( HARKESH MANUJA )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |