

2024:PHHC:103449-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

LPA-1890-2024 (O&M)

Decided on : 12.08.2024

Bank of India

.....Appellant(s)

Versus

Gurdip Singh & another

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr.Rajiv Joshi, Advocate for the appellant (s).

G.S. Sandhawalia, J.(Oral)

1. Consideration in the present appeal is to the judgment dated 07.05.2024 passed by the Learned Single Judge in CWP-7946-2023 whereby the writ petition was allowed and the award passed by the Permanent Lok Adalat (Public Utility Services), Ludhiana in favour of the appellant-Bank on 14.02.2022, was set aside.

2. It is pointed out that it was argued before the Learned Single Judge by the writ petitioners that the terms of the possible settlement were never sent to the writ petitioners and were only recorded in the proceedings of the Permanent Lok Adalat. The appellant has sought to place material before us by way of filing an application under Order 41 Rule 27 CPC to show to the contrary.

3. However, while going through the judgment passed by the Learned Single Judge, it transpires that the present appellant never put in appearance to defend its case which would be clear from the observations made in para no.5 of the judgment under challenge. Having not done so and without giving any plausible reason in the grounds of appeal, we do not feel that it is a fit case where the Appellate Court would examine the issue of what now is being sought to be argued on the basis of additional documents.

4. If that is so, it is always open to the appellant-Bank to approach the Learned Single Judge explaining the reasons why it did not put in appearance and then argue on the merits of the case by seeking permission to place the documents on record which it is now relying upon.

5. Faced with this situation, counsel does not press the present appeal and prays that the same may be disposed of, as such, with liberty to approach the Learned Single Judge for the redressal of its grievances.

6. Ordered accordingly. All pending applications also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

12.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No