

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

119 CR-4793-2023 (O&M)
Date of Decision: 08.01.2024.

Som Parkash ...Petitioner.

Versus

Gurpreet SinghRespondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Ms. Ramandeep Kaur, Advocate
for the petitioner.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged the order dated 17.07.2023 passed by the trial Court vide which application for leave to defend filed by petitioner/defendant was allowed with the direction to file indemnity bonds to the tune of Rs.2,00,000/-.

2. Learned counsel for the petitioner has contended that once the Court finds that there are trible issues, the condition of furnishing surety bond of equal amount, cannot be imposed and in this context, she has relied upon *Mechelec Engineers & Manufacturers Vs. Basic Equipment Corporation 1976(4) SCC 687.*

3. I have heard learned counsel for the petitioner and have gone through the relevant record.

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4. The claim of the plaintiff is based upon the documents i.e. pronote and receipt which was allegedly executed by defendant in lieu of his legal liability towards loan amount taken from the plaintiff. But execution of pronote and receipt or receiving of any loan amount has been denied by the defendant so the leave to contest the claim has been rightly granted to the defendant for providing him the opportunity to contest the claim of the plaintiff. While relying upon the judgment of Hon'ble Supreme Court in M/s Uma Shankar Kamar Narain and another Vs. M/s M.D. Overseas, 2007(2) R.C.R. (Civil) 585, the trial Court has passed a fair and equitable order while issuing the direction to file indemnity bond to the tune of Rs.2,00,000/- in order to secure the amount being claimed. There is no illegality or infirmity in the impugned order. The present revision petition being bereft of any merits stands dismissed.

5. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

08.01.2024.
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No