



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR-6073-2024

Date of Decision: 05.12.2024

Balbir Singh

....Petitioner

Versus

State Bank of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Atul Jain, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

1. Challenge in this petition is to order dated 24.09.2024 (Annexure P-13) passed by learned Civil Judge (Junior Division), Patiala, whereby the application of petitioner under Section 60(1)(g) CPC for exemption from attachment of the FDRs was declined and the Branch Manager was directed to transfer an amount of Rs.11,16,204/- from the FDRs of the petitioner, maintained with the bank, in the account of the decree holder. The following order was passed on 21.10.2024 by this Court:

“Learned counsel for the petitioner *inter alia* argued that the amount of pension and gratuity converted into fixed deposit would not change the character of the amount and as such could not have been attached in view of the provisions of Section 60(1)(g) CPC, even if the petitioner himself had created a charge thereon in favour of the bank where the said FDR's are maintained. Reliance is placed upon *Radhey Shyam Gupta vs. Punjab National Bank and another*, (2009) 1 SCC 376.



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Learned counsel for the petitioner on instructions submits that the petitioner is ready and willing to enter into a one time settlement with the respondent-bank. In order to test the *bonafide* of the petitioner, let the petitioner deposit a sum of Rs.7,00,000/- in the shape of demand draft favouring Registrar General of this Court within a period of 10 days from today.

On the aforesaid deposit being made by the petitioner, issue notice of motion to respondent No.1, returnable for 05.12.2024.

Process *dasti* only.

On doing as aforesaid, impugned order dated 24.09.2024 (Annexure P-13) be kept in abeyance till the next date of hearing before this Court.

In the meanwhile, the petitioner as well as Punjab National Bank, Bhadson Road, Patiala, not to liquidate or disburse the aforesaid amount in FDRs to the petitioner or any of his nominee(s) without leave of this Court.

To be shown in the urgent list.”

2. Learned counsel for the petitioner states that the impugned order has been given effect to on 16.10.2024, i.e. prior to passing of the aforesaid order by this Court. He, thus, seeks withdrawal of the present petition.

3. Dismissed as withdrawn.

December 05, 2024

Varinder

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No