Sr. No. 87

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 160/2026
CM No. 5279/2026

M/S Star Infotech …. Petitioner/Appellant(s)

Through:- Mr. Gagan Basotra, Sr. Adv. with
Mr. Pawan Kumar Hans, Advocate &
Ms. Navdeep Kour, Advocate

V/s

Punjab National Bank & Ors. …..Respondent(s)

Through:-

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
05.08.2026

1. By way of the present intra-Court appeal, the appellant has called in question the order dated 13.07.2026, whereby the application for restoration of the writ petition was allowed by the learned Single Judge, subject to the condition that the appellant shall deposit an amount of Rs. 3 Lakh/- before the respondent-Bank within a period of two weeks.

2. The short contention of the appellant is that the appellant had pleaded sufficient cause for non-appearance in the application; therefore, imposition of the condition of depositing Rs. 3 Lakh/- as a condition for restoration is arbitrary and not reasonable. This condition to deposit the loan amount which has taken away the cause of action of the petitioner in the writ petition.

3. The recovery of outstanding amount of Rs. 22,16,564 on account of the loan obtained by the appellant from the respondent-Bank. The petition

is pending since 2014. Till date, even the agreed amount under the One-Time Settlement, as per his own request has not been paid.

4. The learned Single Judge, after considering all the aspects in exercise of its discretionary powers, directed restoration of the petition subject to deposit of Rs. 3 Lakh/- before the respondent-Bank.

5. It is well settled that ordinary exercise of discretionary jurisdiction of restoration on deposit of loan is not to be interfered with unless the same is punitive or disproportionate or arbitrary. We are of the considered view that the impugned order passed by the learned Single Judge does not suffer from any such infirmity, as such, does not require any interference in the present appeal.

6. Learned counsel for the appellant submits that the appellant would be satisfied at this stage if the time granted for depositing the aforesaid amount is extended.

7. Having considered the submission made by learned counsel for the appellant, we are inclined to grant the said indulgence. Accordingly, while declining to interfere with the impugned order passed by the learned Single Judge, the time granted for depositing the amount of Rs. 3 Lakh/- before the respondent-Bank is extended by a further period of four weeks from today.

8. The appeal is accordingly **disposed of.**

(RAJESH SEKHRI)
Judge

(SINDHU SHARMA)
Judge

JAMMU
Amit
05.08.2026