

Rameshwar Lal Vs. Pyar Chand

Rameshwar Lal Vs. Pyar Chand

SooperKanoon Citation : sooperkanoon.com/770971

Court : Rajasthan

Decided On : May-05-2003

Reported in : 2003(3)WLN381

Judge : Prakash Tatia, J.

Appellant : Rameshwar Lal

Respondent : Pyar Chand

Judgement :

Prakash Tatia, J.

1. At the request of learned counsel for the parties the matter heard finally.
2. The petitioner is aggrieved against the order dated 6.8.2002 by which the trial Court granted leave to defend the suit filed by the plaintiff under Order 37 Rule 3(5), CPC, but with condition of furnishing bank guarantee for sum of Rs. 90,100/-.
3. I perused the impugned order dated 6.8.2002 and after hearing the arguments of the parties it appears that the condition of furnishing bank guarantee in the facts of this case appears to be more onerous on the defendant and the interest of the parties can be served by modifying this condition of furnishing bank guarantee by asking the defendant-petitioner to furnish the solvent security of immovable property before the trial Court for sum of Rs. 90,100/-. The trial Court will accept

the solvent security of immovable property after hearing the plaintiff also. The defendant is permitted to submit the solvent security of immovable property before the trial Court within one month from today.

4. The revision petition of the petitioner is, therefore, partly allowed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com