



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CR-5608-2024

Date of decision : 03.07.2025

Dharam Singh and another

..... Petitioners

versus

Amrik Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Yashjot Singh Dhaliwal, Advocate
for the petitioners.

None for the respondents.

PANKAJ JAIN, J.

1. Petitioners are defendants in the main suit.
2. Plaintiffs filed suit seeking decree of possession of the suit land and also sought decree of declaration the effect that sale deed dated 02.03.2021 with respect to land measuring 8 kanal situated at village Sekhan Majra, Tehsil and District SBS Nagar, Mohali is null and void for want of consideration.
3. Defendant pleaded that an amount of Rs.56 lakhs was sent to the plaintiff-Amrik Singh by defendant by way of demand draft No.070892 dated 15.04.2021 drawn on Axis Bank, Phase-7, Mohali. It was further claimed that direction be issued to plaintiffs to deposit the said amount in the Court and in the alternate, if the plaintiffs are not ready to receive the said amount, a direction be issued to the Bank to



return the amount of Rs.56 lakhs in the account of defendant No.1. The application has been rejected by the Trial Court holding that defendant having sent demand draft of Rs.56 lakhs to the plaintiffs on his own without raising any demand and there being no record with respect to clearance of the said demand draft in favour of Amrik Singh, the plaintiffs cannot be directed to help the defendants in recovering the said amount from the bank.

4. In the considered opinion of this Court, the Trial Court ought not have treated the application merely on adversarial basis. It is a case wherein defendant in order to show that after his cheque was dishonoured, tried to make deficiency in consideration good by sending demand draft. The issue whether the said demand draft reached the plaintiff or that the plaintiff demanded the same, is a matter of trial. However, the fact remains that the said demand draft has not been encashed till date. Thus, instead of keeping the amount blocked lying idle on the basis of the demand draft issued by the petitioner-defendant in favour of Amrik Singh-plaintiff, it will be appropriate that the amount be released to defendant No.1.

5. Resultantly, the present revision petition is allowed. The bank authorities are ordered to release the amount of Rs.56 lakhs which is subject matter of demand draft No.070892 dated 15.04.2021 issued on the instructions made by defendant in favour of the plaintiff-Amrik Singh in case the same has not been encashed as yet, in accordance with law.

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6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

03.07.2025

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No