

Amar Singh Vs. Himachal Pradesh State Cooperative Bank Ltd., and Others.

Item No. (S-2)

CWP No.2082 of 2026

25.02.2026

Present: Mr. Sanjay Kumar Sharma, Advocate, for the petitioner.

Mr. Pramod Singh Thakur, Advocate, for respondents No.1 & 2.

Inter alia contends that the Bank has never proceeded against the principal borrower namely respondent No.3 and has regularly got deducted installments from the pay of the petitioner from the year 2014 onwards against the home loan taken of Rs.12,00,000/-.

2. It is submitted that on an earlier occasion, the petitioner had resorted to file a Civil Suit in which the plaint was rejected on 03.03.2021 (**Annexure P-7**) on the ground that the suit was premature as the full loan amount had not been recovered, while placing reliance upon Section 140 of the Indian Contract Act.

3. It is submitted that the petitioner has now superannuated and on account of the fact that the pension is exempted from attachment and there are still outstanding amount of Rs.4,14,000/- to be paid and no action has been taken against respondent No.3, the petitioner is not in a position to pay and further precluded from filing a fresh suit on the same cause of action.

4. Issue Notice. Mr. Pramod Singh Thakur, Advocate, appears and waives service of notice on behalf of respondents No.1 and 2.

5. Notice be issued to respondent No.3, returnable within four weeks, on taking steps within one week.

6. Accordingly, the proceedings are deferred for **10.04.2026.**

(G.S. Sandhwalia)
Chief Justice

(Bipin C. Negi)
Judge

25th February, 2026
(Munish Thakur/Tarun)