

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5539 of 2015
Date of decision : August 27, 2015

M/s A. B. Cement Traders through its Proprietor
..... Petitioner
Versus

The Chief Manager, Central Bank of India, Arya Samaj Chowkn,
Bathinda
..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

Learned counsel for the petitioner submits that right of the petitioner-plaintiff to file reply in the application under Order 7 Rule 11 CPC filed by the respondent-defendant has been taken away on the ground that after availing numerous opportunities reply could not be filed. He submits that in case, one opportunity is granted, he will file the reply.

I have heard learned counsel for the petitioner and appraised the paper book.

Since the petitioner-plaintiff has instituted the suit for mandatory injunction directing the defendant-respondent to withdraw a notice and has not filed reply to the application filed under Order 7 Rule 11 CPC. In case the reply is not filed, it would result in

miscarriage of justice. In order to advance the ends of justice, I deem it appropriate to set aside the impugned order and grant one opportunity to the petitioner-plaintiff to file reply to the application filed under Order 7 Rule 11 CPC subject to payment of costs of ₹10,000/- to the respondents before the court below.

The revision petition is disposed of without issuing notice of motion as the respondents have been compensated in terms of cost.

(AMIT RAWAL)
JUDGE

August 27 , 2015
archana