

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

**C. R No. 6679 of 2017 (O&M)
Date of decision : 27.09.2017**

New India Assurance Co. Ltd.Petitioner
versus

Nabha Steel Ltd. ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.C. Gupta, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to orders dated 09.08.2016 and 18.07.2017 passed by learned Civil Judge (Sr. Divn.), Amloh

A perusal of the orders shows a civil suit was filed by the respondent for recovery of Rs.14,22,690/- inclusive of cost and interest towards loss due to heavy breakdown of the transformer occurred on 14.10.2008. On receipt of notice of suit for appearance, the advocate on behalf of the petitioner puts in appearance and case was adjourned to 05.04.2016, 10.05.2016, on 12.07.2016, a cost of Rs.500/- was imposed. On 09.08.2016, the cost was not paid and the defence of the petitioner was struck off.

The petitioner filed an application dated 06.10.2016 for setting aside order dated 09.08.2016. The respondents filed reply to the application. However, the application was dismissed, vide order dated 18.07.2017. Hence the present petition.

Learned counsel for the petitioner that some claim has already

been settled and and the petitioner is required only one effective opportunity to file his written statement.

In view of the above, orders dated 09.08.2016 and 18.07.2017 passed by learned Civil Judge (Sr. Divn.), Amloh are hereby set aside and the instant revision petition is **allowed** and the trial Court is directed to give one effective opportunity to the petitioner to file his written statement along with documents, subject to deposit of cost of Rs.5000/- to be paid before the District State Legal Service Authority, Amloh.

27.09.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE