

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

**CR No.6860 of 2017**

**Date of Decision: 04.12.2017**

Amritsar Improvement Trust, Amritsar        ..... Petitioner

Versus

M/s G.K. Associates and another        ... Respondents

**CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:Mr. Sandeep Khunger, Advocate  
for the petitioner.

Mr. Karan Grover, Advocate  
for respondent No.1.

Mr. Akhilesh Vyas, Advocate  
for respondent No.2.

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**RAJ MOHAN SINGH, J.(ORAL)**

While issuing notice of motion on 04.10.2017, following  
order was passed:-

*Learned counsel for the petitioner contends that  
defence of the petitioner/defendant no.1 was struck off on  
account of non-filing of written statement. Defendant no.2  
was proceeded against exparte. Thereafter, defendant no.2  
filed an application for setting aside the exparte  
proceedings against him which was allowed subject to cost  
of Rs.500/-. The written statement has not been filed by  
defendant no.2 so far.*

*Learned counsel seeks indulgence for filing written statement subject to payment of adequate costs in addition to the cost imposed by the trial Court earlier.*

*Notice of motion for 23.10.2017.*

*Dasti as well.*

*Liberty is granted to learned counsel for the petitioner to serve the respondents through the learned counsel appearing before the trial Court.”*

Defence of the petitioner/defendant No.1 was struck off on account of non-filing of the written statement.

Learned counsel for respondent No.1 stated that even the earlier cost imposed by the Court was not paid by the petitioner and he has availed sufficient opportunities for filing the written statement. No justification was made for further adjournment before the trial Court and the impugned order was justified.

I have considered the submissions made by learned counsel for the petitioner.

Defendant No.2 was proceeded against *ex parte*. *Ex parte* proceedings qua him were set aside subject to payment of cost of Rs.500/-. Defendant No.2 has not filed the written statement so far.

Taking into consideration the facts and circumstances of the case, I deem it appropriate to grant one opportunity to the petitioner for filing the written statement subject to payment of

cost of Rs.10,000/-. This cost shall be over and above the cost imposed by the trial Court. Petitioner shall pay the cumulative cost for which trial Court shall fix a date for filing the written statement and cost in question.

Disposed of.

04.12.2017  
prince

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking**

**Yes/No**

**Whether reportable**

**Yes/No**