

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.1791 of 2018

Date of Decision.19.03.2018

Bharat Bhushan

.....Petitioner

Vs

Jagan Nath

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

Learned counsel appearing on behalf of the petitioner-defendant submitted that during the pendency of the appeal occasion arose for seeking amendment of the written statement by setting up a claim of set off, for, Ex.P4 statement of accounts produced on record by the respondent-plaintiff showed that against the recovery of ₹58 lacs, a sum of ₹39 lacs and odd amount had already been reflected as purported to have been paid by the defendant.

This Court during the course of hearing referred to the provisions of Order 7 Rule 7 CPC to Mr. Aayush Gupta, which were read over by him. After noticing the aforementioned provisions of law and realizing that this Court is about to dismiss the revision petition with costs, for, the conduct of the defendant as noticed in the impugned order need not be defended as on three occasions he had been proceeded ex parte and even after restoration of the suit did not appear, learned counsel for the petitioner seeks permission of this Court for withdrawal of the revision petition with liberty to take all pleas at appropriate stage before the lower Appellate Court.

Ordered accordingly. The revision petition is dismissed as withdrawn with liberty as aforesaid.

(AMIT RAWAL)
JUDGE

March 19, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No