

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

CR-568-2019 (O&M)

Date of decision: 01.11.2019

M/s Safari Bikes Ltd.

...Petitioner

Versus

M/s Berger Paints India Ltd

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. M.S. Atwal, Advocate for the petitioner.

Mr. Sanjay Judge, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

The revisionist/defendant is aggrieved by the order dated 10.12.2018, passed by the Court of learned Civil Judge (Jr. Divn.) Ludhiana, vide which application dated 28.09.2018 filed by the revisionist/defendant for reviewing the order dated 28.08.2018 has been dismissed. Vide order dated 28.08.2018, defence of the defendant was struck off on account of its failure to file written statement within 100 days of putting in appearance in the Court. Therefore, such order has been challenged in the present revision petition, notice of which was given to the respondent/plaintiff, who has appeared through counsel.

During the course of arguments, learned counsel for the respondent/plaintiff in all fairness has stated that though the revisionist/defendant has been trying to stretch the proceedings in a recovery suit but he has no objection if one opportunity is granted to the

revisionist to file the written statement, subject to payment of heavy costs.

Under the circumstances, the revision petition is accepted; the order under challenge is set aside and the revisionist/defendant is afforded one opportunity to file written statement, subject to payment of Rs.10,000/- as costs to the respondent/plaintiff. The trial Court shall fix a date for filing of written statement and the written statement shall be taken on record only if amount of costs is paid by the revisionist/defendant to the respondent/plaintiff through counsel in the trial Court.

01.11.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No