

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2666 of 2018 (O&M)
Date of decision: 17.11.2022

M/s Ekta Industrial Products Pvt. Ltd.

..Petitioner

Versus

M/s Gauri Auto Industries

..Respondent

CR-2667 of 2018 (O&M)

M/s Century Auto Engg. Pvt. Ltd.

..Petitioner

Versus

M/s Gauri Auto Industries

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.R.Yadav, Advocate
for the petitioner.

Mr. Manoj Kaushik, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

1. These two identical revision petitions shall stand disposed of by a common order.

2. The defendant in a summary suit for the recovery of the amount is the petitioner herein. Two suits have been filed on the basis of invoices issued by the plaintiff in favour of the petitioner evidencing delivery of the goods. The applications filed for grant of leave to defend the suit, have been dismissed by the trial Court. Assailing the correctness of the aforesaid order, these revision petitions have been preferred.

3. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

4. On the one hand, the learned counsel representing the petitioner submits that there is no contract between the parties as required under Order XXXVII of the Code of Civil Procedure, 1908.

5. On the other hand, the learned counsel representing the respondent while drawing the attention of the court to the copy of the invoice submits that the material sold was duly received by the representative of the petitioner's-company.

6. This court has considered the arguments of the learned counsels representing the parties.

7. While filing the application for grant of leave to contest, the petitioner has not disputed that there were business transactions between the petitioner and the respondent. However, the amount payable has been contested. In fact, the petitioner claims that no amount is due towards the respondent. In the applications, various grounds for grant of leave to contest were given in a detailed manner. However, from the reading of the impugned orders passed by the trial Court, it is evident that the court has failed to deal with the same in a careful and considerate manner.

8. Keeping in view the aforesaid facts, it is considered appropriate to set aside the impugned orders passed by the trial Court while granting conditional leave to contest to the petitioner in both the suits. The petitioner shall be permitted to contest the suits, subject to furnishing of the surety bonds of the immovable property along with the relevant documents.

9. The learned counsel representing the petitioner has offered to furnish the bank guarantee which is not contested by the learned counsel representing the respondent.

10. Keeping in view the aforesaid facts, both the revision petitions

are disposed of.

11. All the pending miscellaneous applications, if any, are also disposed of.

November 17, 2022

(ANIL KSHETARPAL)
JUDGE

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>