

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

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**CR No. 1237 of 2019
Date of decision : 9.8.2022**

M/s Zenith Cycle Co., Kolkata

.....Petitioner

Vs.

M/s Cosco India Ltd., Gurgaon

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shobit Phutela, Advocate, for the petitioner

Mr. Vishav Bharti Gupta, Advocate, for
Mr. S.K. Syal, Advocate, for the respondent

ANIL KSHETARPAL, J. (Oral)

The petitioner herein, is a defendant in a suit for recovery of Rs.10,38,400/-. On account of non-filing of the written statement, his defence was struck off. An application for recall of the order striking of the defence has also been dismissed.

Learned counsel representing the petitioner submits that while filing the application for recall, the written statement was placed on file, which is very much part of the record.

It has been brought to the notice of this Court that the plaintiff examined one witness, who has already been cross-examined by the counsel representing the defendant.

Since the written statement is already part of the Court file, therefore, the same is taken on record, subject to payment of costs of Rs.5000/- to the plaintiff.

Revision petition stands disposed of.

LCR be immediately remitted to the trial Court.

**(ANIL KSHETARPAL)
JUDGE**

9.8.2022

Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No