

**132-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1.CR-1223-2021 (O&M)

M/s Rahul Sales and another

....Petitioners

Versus

M/s Liberty Shoes Ltd.

..Respondent

2.CR-2139-2021 (O&M)

M/s Rahul Sales and another

....Petitioners

Versus

M/s Liberty Shoes Ltd.

..Respondent

Date of decision: 17.05.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Bali, Advocate for the petitioners

Mr. V.K.Sachdeva, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

By this order two revision petitions i.e CR-1223-2021 and CR-2139-2021 shall stand disposed of.

These two revision petitions are arising from an interlocutory orders passed by the trial court. By one order an application submitted by the defendant in a recovery suit for the supply of documents attached with the plaint has been dismissed whereas by the second order, an application filed by the defendant for leave to defend has been dismissed. The main grievance of the petitioner is that he was never supplied complete paper book of the plaint which included voluminous record running into more than 1000 pages.

Learned counsel representing the parties have come to a consensus. They jointly pray for setting aside both the orders passed by the trial court while permitting the petitioner to furnish fresh application for leave to defend within one week, from today. The trial court will re-decide the application after examination and analyze the grounds of defence. It has been observed that the trial court has dismissed the application on the ground that the plea of security cheque taken by the defendants has been negated by the Hon'ble Supreme Court in some judgement relied upon by the plaintiff. While deciding an application for leave to defend the court is required to analyse the grounds taken in the application. If the leave to defend is to be denied, it results in a decree against the defendant. In fact, the court is refusing permission to defend the suit which has serious consequences. In such circumstances, it is expected from the Presiding Judge of the court to examine the matter in detail before forming an opinion.

In view thereof, both the revision petitions are disposed of.

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

17.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE