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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3214-2022 (O&M)

Date of Decision:17.08.2022

The Ambala Club, Ambala City

.. Petitioner

Vs.

Events Corporation

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner is aggrieved against the order dated 06.04.2022 passed by Civil Judge (Jr. Divn.), Amabala in Civil Suit No.682/2020 titled as *Events Corporation Vs. the Ambala Club*, whereby his defence was struck off, as no written statement was filed, in stipulated period.

Learned counsel contends that the petitioner/defendant appeared in the suit for the first time on 13.07.2021 and the Court adjourned it for a longer date to 15.11.2021 considering the pendency of the old cases. Thereafter, last opportunity was granted to the defendant to file written statement and the case was adjourned to 19.01.2022. He submits that on the said date also, hearing was through a virtual mode and the case was adjourned to 06.04.2022 when his defence was stuck off.

Learned counsel states that the written statement is ready with the petitioner and would be filed positively on or before 03.10.2022 i.e. the date fixed before the trial Court. He submits that in case, the petitioner is allowed to file his written statement, no prejudice would be caused to the other side.

Heard.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondent, as it may cause unnecessary burden upon it and the nature of order would not cause any prejudice to it. However, it is made clear that in case, the respondent feels that the petitioner has not approached this Court with clean hands, it shall be open for it to seek recalling of this order.

Upon considering the nature of litigation between the parties, as well as explanation offered by the petitioner for delay in filing his response, this Court deems it appropriate to afford one more opportunity to petitioner to file the written statement.

Resultantly, the impugned order dated 06.04.2022 (Annexure P-3) is set aside and petitioner is granted only one opportunity to file his written statement on or before the next date of hearing fixed before the trial Court i.e. 03.10.2022.

Disposed of.

17.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No