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

CR No.3463 of 2022 (O&M)

Date of decision: 29.08.2022

M/s. Pathania Trading Company

....Petitioner

Versus

The Oriental Insurance Company and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjun Atri, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 03.03.2022 vide which the application for restoration of the suit, which was dismissed in default on 20.01.2017, was allowed subject to payment of costs of Rs.25,000/- to be paid to the opposite party with a further prayer to set-aside the order dated 29.08.2022 vide which the application for review/modification of the order dated 03.03.2022, was dismissed.

Counsel for the petitioner has argued that the only reasoning given by the trial Court is that the application was filed after a long lapse of time and therefore heavy cost to the tune of Rs.25,000/- was imposed. It is further submitted that since the suit is filed for claiming damages on account of fire which has caused extensive damage to the property of the plaintiff/company, the plaintiff is not in a position to pay such heavy costs of Rs.25,000/-.

After hearing the counsel for the petitioner, considering the fact that issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court, the present petition is allowed and the order dated 29.08.2022 is set-aside and the order dated 03.03.2022, passed by the trial Court is modified to the extent that the plaintiff/petitioner will pay the costs of Rs.5,000/- to the opposite party instead of Rs.25,000/-.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

29.08.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No