

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

CR No. 6086 of 2022

DATE OF DECISION :- December 21, 2022

M/s Gupta Traders

...Petitioner

Versus

M/s Ajay Gelatine Products Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Maninder Arora, Advocate for the petitioner.

Plaintiff M/s Gupta Traders, Mohinder Ganj Bazar, Rajpura had filed a suit for recovery of Rs.63,430/- with further future interest and costs against M/s Ajay Gelatine Products Pvt. Ltd., Village Naglal, Zirakpur, Tehsil Dera Bassi, District Mohali. That suit had been pending in the Court of Additional Civil Judge, Sr. Division, Rajpura, who directed that notice of the suit be given to the defendant on filing of the registered cover. That direction was not complied with on several occasions. Ultimately vide order dated 8.8.2022 the trial Court has dismissed the suit under Order 9 Rule 2 CPC.

Feeling aggrieved by that order, the plaintiff has approached this Court by way of filing the present revision petition.

Although I do not find any illegality or infirmity with the order but keeping in view the interest of justice that plaintiff should not be non-suited for technical reasons, in my view one more opportunity needs to be granted to the plaintiff to comply with the order passed by the Court for

furnishing registered cover and process fee for issuing notice of the suit to the defendant. Though the revision petitioner shall be liable to pay costs for causing delay in the matter. Accordingly, the impugned order is set aside subject to the revision petitioner plaintiff depositing a sum of Rs.5000/- with District Legal Services Authority, Patiala. On presentation of the receipt for depositing of the said amount, the application for revival of proceedings shall be entertained. Along with the application for revival the revision petitioner plaintiff shall attach registered cover and process fee. Thereafter the trial Court would proceed with the matter further. Let the cost be deposited within 15 days.

The revision petition is allowed accordingly.

(H.S. MADAAN)
JUDGE

December 21, 2022

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No