

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

112

CR-40-2023 (O&M)

Date of decision: 06.01.2023

RAVINDER PANCHAL

..Petitioner (s)

Versus

ASHWANI KUMAR

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 07.03.2020 passed by the learned Civil Judge, Senior Division, Gurugram vide which the defence of the petitioner/defendant was struck off.

Learned counsel for the petitioner submits that the trial Court erred in passing the impugned order as notice in the civil suit was issued only on 21.01.2020 for 07.03.2020. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner to defend his case, as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioner, this petition is allowed and impugned order dated 07.03.2020 is set aside. The learned Court below is directed to grant one effective opportunity to the petitioner to defend his case, however subject to payment of Rs.5000/- as costs to the plaintiff-respondent.

Disposed of as above. Pending application, if any, also stands disposed of.

**(NIDHI GUPTA)
JUDGE**

06.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No