

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-4410-CII-2020 in/&
CR-1585-2019
Date of Decision :11.01.2023

Tara Health Foods Ltd and others

...Petitioners

Versus

Bank of Baroda and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ateevraj Sandhu, Advocate for
Mr. Ranjit Chawla, Advocate the petitioners.

Mr. G.S. Anand, Advocate for respondent No.1.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed challenging order dated 04.12.2017 (Annexure P-2) by which, petitioners-defendants were proceeded exparte as well as order dated 14.02.2019 (Annexure P/1) by which, the application filed by the petitioners-defendants for setting aside the order dated 04.12.2017 (AnnexureP/2) was dismissed by the Court below.

Learned counsel for the petitioners-defendants submits that there was no intention of the petitioners-defendants to disassociate themselves from the proceedings, which were initiated by the respondent-Bank in respect of the original application No.5152-2017, which was filed by the respondent-Bank for recovery of Rs.36,84,7999/-. Learned counsel

for the petitioners-defendants submits that filing of the application for setting aside of the said order indicates the same intention hence, as lis between the parties needs to be decided on merits by noticing the rival contentions, an exparte order should have been set aside by the tribunal itself hence, order dated 04.12.2017 (Annexure P-2) as well as order dated 14.02.2019 (Annexure P/1) may kindly be set aside and petitioners-defendants be allowed to join the proceedings and to allow them to file written statement even if, the cost is to be imposed for the default in question. Learned counsel for the petitioners-defendants further submits that henceforth all the precautions will be taken that the conduct of the petitioners-defendants's does not delay the proceedings in any manner

Learned counsel for the respondent-Bank submits that though, he is not making any comments upon the plea raised by the petitioners-defendants but submits that as the Bank's intention is only to recover the amount, as far as back in 2020 the Bank has already submitted before this Court that they have no objection in case petitioners are allowed to participate in the proceedings in respect of the original application No.5152-2017. Learned counsel for the respondent-Bank submits that he has no objection in case order dated 04.12.2017 (Annexure P-2) as well as order dated 14.02.2019 (Annexure P/1) are set aside and the petitioners are allowed to participate in the proceedings in respect of the original application No.5152-2017.

As the respondent-Bank conceded the claim of the petitioners before this Court and has raised no objection in setting aside order dated 04.12.2017 (Annexure P-2) as well as order dated 14.02.2019 (Annexure

P/1), the same are set aside and the petitioners are allowed to participate in the proceedings in respect of original application No.5152-2017 with the clear condition that the petitioners will conduct themselves in accordance with law in respect of the proceedings of original application No.5152-2017 henceforth and will not delay the proceedings in any manner subject to payment of Rs.25,000/- as cost to be deposited with Institute for the Blind, Sector 26, Near Homeopathic Medical College and Hospital, Chandigarh, -160019.

Keeping in view the above, petitioners-defendants will appear before respondent No.2 on the next date of hearing already fixed before the Tribunal and will file their written statement within a period of 30 days by the next date of hearing before the Tribunal.

Petition stands allowed in above terms.

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As the main petition is disposed of, the present application also stands disposed of.

January 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No