

2023:PHHC:143543
**145 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1718-2023 (O&M)
Date of decision: 09.11.2023

Phyto Life Sciences

....Petitioner

Versus

M/s SSP Private Limited and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.B.B.Sharma, Advocate for the appellant

Mr. A.P.Bhandari, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. Failure to file the written statement has forced the trial court to strike off the petitioner's defence (defendant no.2 before the trial court). The suit for recovery of Rs.26,91,000/- was filed in the year 2014. An application under Order VII Rule 10 of the Code of Civil Procedure, 1908 was filed, which was dismissed by the trial court. The correctness of the aforesaid order was challenged in the High Court. The High Court dismissed the revision petition on 18.07.2022. During the pendency of the revision petition, the proceedings before the trial court were stayed. The petitioner submits that he should be granted one opportunity to file the written statement.

2. On the other hand, the learned counsel representing the respondent (plaintiff) submits that even after the order was passed

by the High Court, as many as eight opportunities have been granted to the petitioner.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. This Court has been informed that the case is now fixed for the plaintiff's evidence. Learned counsel representing the petitioner undertakes to file the written statement, within a period of 10 days, from today, with a copy in advance to the learned counsel representing the plaintiff. The plaintiff shall have liberty to file its replication within a period of 15 days, thereafter. The date fixed for the evidence of the petitioner shall not be postponed on account of failure of filing of the written statement. This opportunity shall be subject to payment of Rs.10,000/- as costs, which shall be paid to the respondent. The payment of costs shall be a condition precedent for filing the written statement.

5. With these observations, the present petition is disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

09.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE