

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

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**2023:PHHC:081429
CR-3544-2023 (O&M)
Date of decision: 02.06.2023**

Darbara Singh

..Petitioner (s)

Versus

Buta Singh and others

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Rahul Arora, Advocate for the petitioner.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 25.11.2022 passed by the learned Trial Court vide which defence of the petitioner/defendant No.2 has been struck off.

Learned counsel for the petitioner submits that sufficient opportunity has not been given to the petitioner to file reply. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner for the said purpose, 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 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 25.11.2022 is set aside. The learned Court below is directed to grant one effective opportunity to the petitioner to file reply, however subject to payment of Rs.15,000/- as costs to the respondents/applicants.

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

**(NIDHI GUPTA)
JUDGE**

02.06.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No