

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

Sr. No.123

CR-4021-2022

Date of Decision: 25.04.2023

NUCLEUS AND HOSPITALITIES THROUGH ITS PARTNER

....Petitioner

Versus

SANJEEV GUPTA AND SONS (HUF)

..... Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Divanshu Jain, Advocate
for the petitioner.

Mr. Amit Aggarwal, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 25.08.2022 (Annexure P-5), passed by the Court below, whereby an application for setting aside ex parte order dated 11.07.2019, passed in a Civil Suit has been allowed, subject to the condition to deposit the 50% of amount claimed by the respondent/plaintiff.

From the paper book, it is evident that suit for recovery of an amount of Rs.10,50,000/- together with interest, has been filed by the respondent/plaintiff. However, the present petitioner (who is defendant before the Court below) was proceeded against ex parte. While setting aside the ex parte order, learned Lower Court had laid the condition of the same to be allowed, subject to deposit of 50% of the amount claimed by the respondent/plaintiff in the suit, which shall be in the form of Fixed Deposit or Bank Guarantee of the same amount, to show his genuineness to contest the case.

However, today learned counsel for the respondent/plaintiff had stated at bar that he has no objection, if the condition with regard to the deposit of 50% amount claimed by the respondent/plaintiff in the suit, as imposed by learned Lower Court is set aside and only one opportunity is given to the petitioner/defendant to file the written statement. The said offer has been readily accepted by learned counsel for the petitioner, as he submits that if this condition is removed, he shall be filing written statement on the next date fixed before the court below.

In view of the submissions aforesaid, the present revision petition is partly allowed and the impugned order is hereby set aside with regard to the imposition of condition of deposit of 50% amount, in the form of fixed deposit or bank guarantee, as ordered by the court below and only one opportunity is given to the petitioner to file the written statement, on the next date fixed before learned Lower Court, which is stated to be 26.05.2023.

25.04.2023*Sonu***(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No