

CR-5330-2023

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

Sr. No.137

CR-5330-2023

Date of Decision: 14.09.2023

KHARAITI

....Petitioner

Versus

FRANCES NEWTON HOSPITAL & ANR

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Kamal Nagpal, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 24.04.2023 (Annexure P-3), passed by the Court below, whereby the defence of the present petitioner (who was defendant before the Court below), was struck off.

Learned counsel for the petitioner heard.

It is submitted by learned counsel that in fact, the petitioner (who was defendant before the Court below), had made appearance through counsel for the first time before the Court below on 23.01.2023 and on the said date, after filing of the Power of Attorney by learned counsel for the defendant, the case stood adjourned for 21.03.2023, for filing written statement. Further, on 21.03.2023, written statement was not filed and the case was adjourned for 24.04.2023, for the same purpose. On 24.04.2023, the impugned order was passed.

It is further submitted by learned counsel that the date was wrongly noted by the counsel, as the case having fixed for 24.05.2023

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instead of 24.04.2023 and solely on this account, the written statement was not filed, on the day when the impugned order was passed.

Copies of zimini orders passed by the Court below have also been annexed with the paper book and perusal of the same substantiate the version, so made, by learned counsel.

Keeping in view the written statements having not filed in worst circumstances, on two dates, in the interest of justice, the revision petition is hereby accepted and one opportunity is granted to the petitioner, to file written statement, on the next date fixed before the Court below.

However, the aforesaid opportunity is granted, subject to deposit of Rs.10,000/-, as costs, with the Poor Patient Fund of PGIMER Chandigarh, within a period of ten days from today onwards.

The receipt with regard to deposit of costs, shall also be produced before the Court below, when petitioner makes appearance, on the date fixed.

Accordingly, the instant revision petition stands disposed of.

14.09.2023
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No