

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

109

CR-6089-2022 (O&M)

Date of decision: 05.01.2023

RAJESH CHAUHAN

..Petitioner (s)

Versus

BESTECH BIOTECH PVT LTD AND ORS

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. DS Matya, Advocate for the petitioner.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 28.10.2022 passed by the learned Addl. Civil Judge, Senior Division, Faridabad vide which defence of the petitioner-defendant No.2 had been struck off.

Learned counsel for the petitioner refers to medical record of petitioner's daughter (Annexure P5) to submit that since the petitioner was busy in getting the treatment of his daughter, he could not deposit costs of Rs.3000/- in compliance of order dated 11.10.2022. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner for necessary compliance of the order dated 11.10.2022 and to lead his defence, 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 disposal of 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 28.10.2022 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to comply with the order dated 11.10.2022 and lead his defence, however subject to payment of Rs.5,000/- as costs to the plaintiff-respondent(s).

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

05.01.2023

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(NIDHI GUPTA)
JUDGE**