

CR-7130-2023

Date of Decision: 11.12.2023

Dharampal

...Petitioner

Versus

IDBI Bank Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. R.S. Mamli, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)**CM-22139-CII-2023**

For the reasons recorded in the application, the same is allowed and the documents i.e. copy of settlement between the petitioner and the respondent and copy of receipts annexed with the application as Annexure A-1 to A-3, are taken on record subject to all just exceptions.

CM stands disposed of.

Main case

1. The present revision petition has been filed under Article 227 of the Constitution of India seeking quashing of the impugned order dated 25.11.2022 (Annexure P-1) passed by the Ld. Additional Civil Judge (Sr. Divison), Panchkula whereby defence of the petitioner/defendant was struck off for non-filing of written statement.

2. Learned counsel for the petitioner submits that a settlement dated 11.10.2022 (Annexure A-1) took place between the parties whereby sum of Rs.1,22,000/- out of the due amount was deposited. Since the matter was settled, so petitioner could not file the written statement. He further submits

that case is now fixed for 17.01.2024 before the trial Court for evidence of the plaintiff/respondent and he would be satisfied if one opportunity is granted to the petitioner to file the written statement.

3. If notice is given to the other side it may further delay the disposal of case and may further put financial burden upon respondent/plaintiff.

4. So, in the interest of justice and keeping in view the fact that parties had settled the amount and part of settled amount was paid, order dated 25.11.2022 (Annexure P-1) passed by the Ld. Additional Civil Judge (Sr. Division), Panchkula is hereby set aside and this petition is disposed of with a direction to the trial Court to give one opportunity to the petitioner to produce his evidence at his own responsibility but subject to payment of costs of Rs.7500/- to be deposited in the account of concerned District Legal Service Authority. In case of default, this order shall stand automatically vacated.

5. If the respondent is not satisfied with this order, he can move an application for recalling of this order within 30 days.

11.12.2023*Parveen kumar***(GURBIR SINGH)
JUDGE**

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No