

CR-1973-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.137

CR-1973-2024

Date of Decision: 03.04.2024

M/S SHARMA ELECTRONICS

....Petitioner

Versus

CANARA BANK

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashish Gupta, Advocate, for
Mr. Vikram Singh, Advocate,
for the petitioner.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, for setting aside of the order 01.12.2023 (Annexure P-8) passed by learned Trial Court, vide which the defence of the petitioner was struck off.

Learned counsel while making reference to the various zimini orders placed on the Court file, submits that in the suit for recovery of Rs.9,48,827.48, filed at the instance of the respondent-Bank, the petitioner, at first instance, was proceeded against *ex parte*. The petitioner made appearance in the case on 19.05.2022 and thereafter, the case was further adjourned for filing of written statement. Ultimately, on account of non-filing of written statement, vide the impugned order, the defence of the petitioner was struck off. Learned counsel further submits that the petitioner was never apprised by the counsel representing petitioner before learned Trial Court, about any such dates fixed in the case.

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Notice of motion.

At this stage, Mr. Arvind Rajotia, Advocate, who is present in the Court accepts notice on behalf of the respondent-Bank and filed memorandum of appearance, which is taken on record.

Heard.

From the zimini orders, as placed on the Court file, as well as the submissions made by learned counsel for the petitioner, it is quite obvious that the written statement had not been filed within the requisite period, but anyhow, in the interest of justice, while taking into consideration that the litigation should be decided on merits, the revision petition is hereby accepted, subject to deposit of Rs.20,000/- as costs in '*Poor Patients Welfare Fund, PGIMER, Chandigarh*', within a period of ten days.

Subject to deposit of the aforesaid amount, learned Trial Court shall grant only one opportunity to the petitioner to file written statement.

On query by the Court, it has been disclosed that the case is fixed before learned Trial Court on 05.04.2024. In view of the same, learned Trial Court is hereby requested to adjourn the case for another two weeks to facilitate the deposit of the payment of costs, so imposed and thereafter, take on record the written statement (if so filed).

In view of the aforesaid terms, the instant revision petition stands allowed.

03.04.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No