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

CR-7062-2024

Date of decision: 17.12.2024

M/s Auto Part Solutions Private Limited and others

...Petitioners

Versus

M/s Tirupati Auto Industries

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kamal Chaudhary, Advocate for the petitioners.

Mr. Vaibhav Parashar, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 18.10.2024 (Annexure P-5) passed by the Civil Judge (Junior Division), Faridabad whereby an application filed by the petitioners/defendants under Order 6 Rule 17 CPC has been dismissed.

2. On 05.12.2024, this Court had passed the following order:-

“Present:- Mr. Kamal Chaudhary, Advocate for the petitioner.

Inter alia, contends that only amendment that the petitioners are seeking is with respect to the fact that in para No.7 of the preliminary objection in the written statement, the petitioners have wrongly stated that the amount was paid into the account of firm of M/s Tirupati Auto Industries through bank



transfer, whereas, actually the said amount of Rs.5,00,000/- was paid in the account of M/s Namo Forgings Pvt. Ltd., which is a sister firm of M/s Tirupti Auto Industries. It is submitted that the case is still pending for the evidence of the defendants and the next date fixed for hearing is 10.12.2024. It is further submitted that the petitioners are ready to compensate the respondent for the delay caused in the proceedings on account of the said fact.

Notice of motion for 13.12.2024.

Liberty is granted to the petitioners to serve the respondent through dasti process as well.

Petitioners are directed to bring a demand draft of Rs.25,000/- prepared in the name of the respondent-plaintiff as costs on the next date of hearing.

It is made clear that in case the said demand draft prepared in the name of the respondent is not produced by the petitioners on the next date of hearing, then, the present revision petition would be liable to be dismissed.

To be taken in the urgent list.”

3. Thereafter on 13.12.2024, this Court had passed the following order:-

“Present:- Mr. Kamal Chaudhary, Advocate for the petitioners.

Mr. Vaibhav Parshar, Advocate for the respondent.

Learned counsel for the petitioners in pursuance of the last order has got a demand draft of Rs.25,000/, in the name of the respondent, which has been handed over to learned counsel for the respondent, who has reaffirmed the said fact.

Learned counsel for the respondent prays for a short adjournment to get instructions in the matter.



Adjourned to 17.12.2024.

To be taken up in the urgent list.”

4. Learned counsel for the respondent has submitted that in case an opportunity is granted to the petitioners then only one opportunity be granted to them and they be directed to file their amended written statement in a time bound manner and the respondent be also granted liberty to file replication, if any.

5. Learned counsel for the petitioners has no objection to the said course of action.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel appearing on behalf of both the parties, the present revision petition is partly allowed and the impugned order dated 18.10.2024 is set aside with the following observations/directions:-

- i) The petitioners would file their amended written statement within a period of one week from today.
- ii) In case the amended written statement is not filed within the aforesaid period then the present revision petition would be deemed to have been dismissed.
- iii) The trial Court would grant one opportunity to the respondent-plaintiff to file replication to the said amended written statement and thereafter, the case would proceed from the stage where the case is at the present stage.

17.12.2024

Pawan

Whether speaking/reasoned:-

Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No

Yes/No