

**CR-7541-2024(O&M)****130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-7541-2024(O&M)****Date of decision: 05.02.2025**

Teba Xinjiang Sunoasis Co. Ltd.

..Petitioner

Versus

Ankur Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Kumar Garg, Advocate for the petitioner

Mr. Ashutosh Kumar Tiwari, Advocate
(through video conferencing)

Ms. Tarranum Madan, Advocate for respondent no.1

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is the defendant in plaintiff's suit for recovery which is pending before the Commercial Court at Gurgaon. The written statement filed by the petitioner has been rejected/struck off on the ground that it does not comply with the requirements of Code of Civil Procedure, 1908. On 22.01.2025, the following order was passed:-

"The learned counsel representing the petitioner contends that the written statement has already been filed by the petitioner; however, the same has been rejected or struck off on the ground that it is not in consonance with the provisions of the Code of Civil Procedure, 1908. He submits that if the written statement suffers from a curable defect, the same can be cured and it was not appropriate for the Trial Court to strike off the petitioner's defence.

Notice of motion for 03.02.2025.



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Liberty is granted to the petitioner to serve the respondent through his counsel in the Trial Court.

The office is directed to list the present case for hearing, in the urgent list, on the date fixed.”

- 2. Learned counsel representing the contesting respondent does not dispute that no opportunity was given to the petitioner to cure the defects.
- 3. Keeping in view the aforesaid facts, the impugned order is set aside. The trial court is requested to grant an opportunity to the petitioner to cure the defect and proceed with the matter.
- 4. The revision petition stands allowed.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

05.02.2025

rekha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No