

(2012) 09 SHI CK 0122
In the High Court Of Himachal Pradesh
Case No : CMPMO 138 of 2012

M/s Mittal Limes and Chemicals and Mukesh Mittal	APPELLANT
Vs	
Sukh Dev Singh Gill and M/s Namarta Minerals and Chemicals Tehsil Paonta Sahib	RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : (2012) 09 SHI CK 0122

Hon'ble Judges : Dev Darshan Sood, J

Bench : Single Bench

Advocate : B.C. Negi, for the Appellant;

Judgement

Dev Darshan Sud, J.—Nobody appears on behalf of the respondent, despite the fact that he was served on 1st June, 2012, as reported by the Registry. The petitioner is aggrieved by the order passed by the learned Civil Judge (Senior Divison), Paonta Sahib, closing the right of the petitioner to file written statement. I find from the order that 90 days time expired on 27.10.2011. On 29.10.2011 an application for extension of time to file written statement has been filed by the petitioner.

2. The learned trial Court rejected the application on the ground that no reasonable cause for further extension of time has been made out. I find that learned trial Court has taken a hyper technical view in the case. The case itself was fixed for further proceedings on 29.10.2011 by order of the Court on which date the application for extension of time was filed. The Court should and ought to have allowed the application having fixed the case for that date. In these circumstances, the order of learned Civil Judge (Senior Divison), Court No. 1, Paonta Sahib is quashed and set aside. Permission is granted to the petitioner herein to file written statement. The learned Court shall proceed with the case in accordance with law. Interim order dated 11.5.2012 stands vacated. The learned Court will take the case for further proceedings on 9th October, 2012.

Dasti copy on usual terms.