



CR-5354-2025 (O&amp;M)

-1-

126

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

-.-

**CR-5354-2025 (O&M)  
Decided on :- 11.08.2025**

M/s Sailkot Steel Works

....Petitioner

VERSUS

M/s Tata Steel BSL Ltd.

....Respondent

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Gourav Goel, Advocate for the petitioner.

-.-

**MANDEEP PANNU J.**

1. Present revision petition has been filed by petitioner/defendant against the order dated 04.01.2024 passed by the learned Trial Court, whereby the petitioner has been proceeded ex-parte and order dated 27.11.2024 passed by the Court of learned Additional District Judge, Ludhiana, whereby the application for setting aside ex-parte order dated 04.01.2024 has been dismissed.

2. The brief facts, relevant to the present petition, are that respondent/plaintiff filed a suit in commercial Court Ludhiana, for recovery of Rs.55,35,881/- along with interest, as detailed in the plaint.

3. Notice was issued to the defendant. However, he was proceeded against ex-parte 27.04.2023. Thereafter, defendant moved an application for setting aside ex-parte proceedings on 26.09.2023, which was allowed subject to payment of Rs.2000/- as costs and the case was adjourned to 04.01.2024 for filing written statement and for payment of costs but again on 04.01.2024 the defendant



**CR-5354-2025 (O&M)**

-2-

did not appear and accordingly, he was proceeded against ex-parte vide impugned order dated 04.01.2024.

4. Thereafter, an application was filed for setting aside the ex-parte proceedings on 28.08.2024, which was dismissed vide impugned order dated 27.11.2024 passed by learned Additional District Judge, Commercial Court, Ludhiana.

5. Learned counsel for petitioner/defendant submits that the absence of defendant on the said date i.e. 04.01.2024 was neither deliberate nor intentional but due to some unavoidable circumstances. It is further submitted that petitioner is ready to deposit the cost as originally imposed alongwith any further costs as this Court may deem appropriate and undertake to participate in the proceedings without seeking any adjournment.

6. I have heard learned counsel for the petitioner/defendant and gone through the record with his able assistance.

7. It is settled law that procedural rules are intended to advance the cause of justice and not to punish parties for bonafide lapses. In the present case although the petitioner/defendant was negligent in not appearing and tendering the costs on the given date, the ends of justice would be better served if he is afforded one final opportunity to contest the suit by filing written statement, particularly keeping in view the high stakes involved in the claim of Rs.55,35,881/- along with interest. However, at the same time, the conduct of the petitioner/defendant cannot be ignored and he must be burdened with further costs to compensate the respondent/plaintiff for further delay and inconvenience caused.

8. Accordingly, revision petition, is allowed the impugned orders dated 04.01.2024 and 27.11.2024 are hereby set aside subject to the petitioner/defendant



**CR-5354-2025 (O&M)**

-3-

depositing the cost of Rs.2000/- as earlier directed by the learned Trial Court alongwith additional cost of Rs.15,000/- to be paid to the respondent/plaintiff on or before the next date fixed before the Trial Court.

9. Pending application(s), if any, also stand disposed off.

August 11, 2025  
tripti

**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No