

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

CR No.3822-2014

Date of Decision: **May 28, 2014**

Darshan Singh

.....Petitioner

vs.

Housing and Urban Development Corp. and another .....Respondents

**CORAM HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr.Deepak Aggarwal, Advocate  
for the petitioner.

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1. To be referred to the Reporter or not?
2. Whether the judgment should be reported in Digest?

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**RAJIV NARAIN RAINA, J (Oral)**

Heard the counsel for the petitioner.

The petitioner is the defendant in the suit for recovery of money. The plaintiff i.e Housing & Urban Development Corp. Ltd. (for short 'HUDCO') appears remiss in prosecuting its case which has a chequered history. Before the petitioner was served with the summons as defendant, HUDCO's suit was dismissed as default of appearance. Thus, there was no occasion to file a written statement. HUDCO's effort to re-enter the suit was in appeal when the order dated 13<sup>th</sup> May, 2014 was passed setting aside the order dated 23<sup>rd</sup> July, 2013 by which an application preferred praying for restoration of the suit was dismissed. The petitioner has expressed no grievance in this petition against the order setting aside the order and remitting the case back to the trial court for a decision on merits.

However, he is aggrieved by a direction issued in para. 11 of the

appellate Court judgment where a direction has been issued that only two effective opportunities are to be granted to the appellant HUDCO to conclude its evidence. Since, the written statement has not been filed and the petitioner has no opportunity to do so, the order dated 13<sup>th</sup> May, 2014 is modified to the extent that the two effective opportunities granted would run from the date issues are framed after allowing the petitioner to file his written statement in defence of the suit. The other directions will hold.

The petition is partially allowed and the same is disposed of with the above clarifications.

**May 28, 2014**  
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**(RAJIV NARAIN RAINA)**  
**JUDGE**