

The High Court Of Madhya Pradesh

WP-11718-2012

(B.G.FINANCIAL Vs THE SYNERGY MEDIA ENTERTAINMENT LTD.)

Jabalpur, Dated : 29-02-2020

Shri Sanjay Seth, learned counsel for petitioner.

Shri S. Chandra, learned counsel for respondent.

Petitioner has filed the present writ petition being aggrieved by order dated 06.07.2011 and order dated 23.08.2011. By order dated 06.07.2011, trial Court proceeded ex-parte against petitioner - defendant and thereafter petitioner had filed an application for setting aside ex-parte order but same was also rejected on the ground that the affidavit which has been filed along with the application and grounds which are mentioned in the application is contrary to the facts which are represented in the order-sheet dated 06.07.2011.

Considering the fact that counsel for defendant - petitioner had appeared on the same date before the Court and thereafter he also filed an application though there is some mistake in filing an affidavit but in the interest of justice one more opportunity is given to the petitioner to file his written statement in the matter. Trial Court will fix a date for filing of written statement of the petitioner. On such date, petitioner will submit his written statement and on his failure to file written statement his rights shall stand automatically closed. As the trial before the Civil Court has been stayed, therefore, no proceeding took place in the civil suit. Matter is pending since year 2011 before the trial Court.

Considering the aforesaid, it is ordered that trial Court will make every endeavor to complete the trial within a period of six months from the date of receipt of certified copy of the order passed today.

With the aforesaid direction, writ petition is **disposed of**.

C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

