

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

CR No.2175 of 2015

Decided on: March 27, 2015.

Mohinder Singh and others

.... Petitioners

Versus

Dr. Dalgir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. K.B. Raheja, Advocate,
for the petitioners.

M.M.S. BEDI, J (ORAL)

Petitioners are defendants in a suit for injunction filed by the plaintiff-respondent No.1. During proceedings, in application under Order 39 Rule 2-A CPC alleging violation of the interim injunction order, it appears, that the defendants-petitioners did not file reply as a result of which the defence of the petitioners has been struck off vide impugned order.

Without expression of any opinion whether provisions of Order 8 Rule 1 CPC applicable to the filing of written statement to a plaint in a suit, would be applicable in the miscellaneous petition, I am of the opinion that subject to payment of reasonable costs, the defendants-petitioners should have been given an opportunity to contest the application under Order 39 Rule 2-A CPC. To avoid unnecessary delay and wastage of time and money incurred by plaintiff-respondent No.1, it will be expedient, in the interest of justice, to give one opportunity to the defendants-petitioners to rebut the pleadings in application under Order 39 Rule 2-A CPC as the

result of said application would have far reaching prejudicial consequences to the petitioners.

It has been informed that the next date of hearing before the trial Court is 14.05.2015 for evidence of the respondent No.1 in application under proceedings under Order 39 Rule 2-A CPC. The petitioners will be permitted to file reply in the application under Order 39 Rule 2-A CPC filed by the plaintiff-respondent on or before 14.05.2015 subject to payment of costs of Rs.10,000/- to the plaintiff-respondent No.1.

It is made clear that in case the reply is not filed or costs is not paid on the said date, this revision petition will be deemed to have been dismissed. Since this order has been passed in limine, disposing of the revision petition, it will be open to the plaintiff-respondent No.1 to approach this Court, in case, the plaintiff-respondent No.1 is not satisfied with the order.

Disposed of with the above directions.

(M.M.S. BEDI)
JUDGE

March 27, 2015
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