

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 3690 of 2015 (O&M)
Date of Decision: 28.5.2015.

Pawan Kumar and others

.....Petitioners

Versus

Vidya and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kunal Dawar, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 20.3.2015 (Annexure P-1) whereby their defence was stuck off.

Learned counsel for the petitioners has submitted that written statement had been prepared by the counsel for the petitioners but due to inadvertence, it could not be filed in the Court. Now the case is listed before the Trial Court for 20.7.2015 for service of defendant No. 5 and the petitioners shall file their written statement on the said date.

Respondent No. 1 has filed suit for partition and permanent injunction. Keeping in view the submissions made by the learned counsel for the petitioners, it would be just and expedient to grant one opportunity to the petitioners to enable them to file their written statement as the case is still listed before the Trial Court for service of unserved defendant No. 5.

Accordingly, this petition is allowed. Impugned order dated 20.3.2015 (Annexure P-1), whereby defence of the petitioners was struck off, is set aside. Petitioners are permitted to file their written statement before the Trial Court on the date fixed i.e. 20.7.2015 subject to payment of ₹ 2500/- as costs. Costs be deposited with the District Legal Services Authority. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

**May 28, 2015
Gurpreet**