

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

Civil Revision No.8178 of 2015

Date of decision: 03.12.2015

Rajiv Dev and another

.....Petitioners

Versus

Nirmal and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Arora, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 15.10.2015 passed by the Civil Judge (Junior Division) NRI Cases, Jalandhar, whereby application filed by defendant Nos. 7 and 8-petitioners for recalling the order dated 07.09.2015, has been dismissed.

During the pendency of the suit, defendant Nos. 7 and 8-petitioners were proceeded against exparte on 26.05.2014. Thereafter, on an application filed by the petitioners, the exparte proceedings were set aside vide order dated 07.08.2015 (Annexure P-3) and they were allowed to file written statement as well as reply to stay application. However, due to inadvertence, the clerk of counsel for defendant Nos.7 and 8-petitioners noted the next date as 16.09.2015 for the purpose of filing the written statement, which was not correct, as the case was actually, adjourned for 07.09.2015. Since they could not file written statement on 07.09.2015, therefore, their defence was struck off on that date. Thereafter, they made an

vide order dated 15.10.2015.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide one last opportunity to defendant Nos.7 and 8-petitioners to file their written statements and reply to stay application.

In view of the above, the impugned order dated 15.10.2015 is set aside and one effective opportunity is granted to defendant Nos. 7 and 8-petitioners to file written statements and join the proceedings of trial, subject to costs of Rs.3000/- to be paid to the plaintiffs.

Allowed accordingly.

03.12.2015
ajp

(RITU BAHRI)
JUDGE