

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

118/1

CR-1007 of 2016

DATE OF DECISION: 10.02.2016.

Cherry Enterprises and another

....Petitioners.

VERSUS

Raj Rani and another

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Shekher Dhawan, J. (Oral)

Learned counsel for the petitioners submits that order dated 13.11.2015 was passed without giving reasonable opportunity to file the written statement and defence of present petitioner was struck off. Subsequently, application for recalling the order was also filed and same was dismissed by the Court below on 21.01.2016 without considering the correct facts.

The order passed by the Court below on intervening dates i.e. 11.09.2015, 21.09.2015 and 08.10.2015 perused. Petitioner has not been given reasonable opportunity to file the written statement and defence of present petitioner has been struck off without affording reasonable opportunity. As such, the present petition is accepted and order dated 13.11.2015 is set aside.

It is directed that the Court below shall give one effective opportunity to the present petitioner to file the written statement.

**(SHEKHER DHAWAN)
JUDGE**

10.02.2016.

komal