

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.5675 of 2016

Date of Decision: 2.9.2016

Smt. Renuka Mahajan and another

---Petitioners

versus

Punjab and Sind Bank and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Saurav Khurana, Advocate
for the petitioners**

Rekha Mittal, J.

The present petition has been directed against order dated 6.5.2016 (Annexure P-2) passed by the Presiding Officer, Debt Recovery Tribunal-II, Chandigarh (in short “the Tribunal”) whereby defence of the petitioners (defendant Nos. 6 and 7) has been struck off for want of filing defence/written statement.

Counsel for the petitioners has fairly conceded that number of opportunities were granted to the petitioners for filing the written

statement but they failed to avail of the same and submit their written statement. It is further submitted that a serious prejudice is likely to be caused to the petitioners in case, they are not permitted to file the written statement. In addition, it is submitted that the petitioners would file the written statement on the date already fixed i.e. 23.9.2016 and they are ready to compensate the bank for delay, if any, attributable to them in progress of the proceedings pending before the Tribunal.

I have heard counsel for the petitioners, perused the order impugned and the records.

Counsel for the petitioners has fairly conceded that the petitioners were given enough time to file the written statement but they failed to file the same. The petitioners would suffer irreparable loss or injury in case they are not permitted to file their defence because in that eventuality, the proceedings would virtually go undefended. Costs is a panacea for curing evil of delay. In the given circumstances, the petitioners are allowed one opportunity to file their written statement on the date already fixed i.e. 23.9.2016 subject to payment of costs of Rs. 20,000/- to be deposited with the Tribunal well before the date fixed and shall

be released in favour of the bank, as per rules. On failure of the petitioners to file the written statement or deposit the costs in compliance with the direction of this court, the petition shall be deemed to be dismissed. It is clarified that the other defendants of the case would not be entitled to take benefit of this order to seek filing of the written statement on their behalf.

Before parting with the order, it is clarified that the petition has been disposed of without notice to respondent No. 1 in order to avoid inconvenience and incurring expenditure by it. However, if respondent No. 1 has any grievance to express, it shall be at liberty to file an appropriate application before this Court.

(Rekha Mittal)
Judge

2.9.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No