

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

CR No.2328 of 2017

Date of Decision: 03.08.2017

HUDA and anotherPetitioners

Versus

Inderjeet Singh ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vishal Garg, Advocate
for the petitioners.

Mr. J.S. Rana, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(ORAL)

Defence of defendants was struck off vide order dated 27.09.2016. when despite last opportunity, written statement was not filed. The case was adjourned to 17.10.2016 for *ex parte* evidence of the plaintiff at his own responsibility.

On 17.10.2016, an application for setting aside the order dated 27.09.2016 was filed to which no objection was endorsed by the plaintiff. Consequently, the order dated 27.09.2016 was set aside and opportunity was granted to the defendants to file written statement and reply to the stay application. The case was accordingly adjourned to 06.12.2016. On the adjourned date, written statement was not filed. On the request of the defendants, the case was further adjourned to 09.01.2017 subject to payment of cost of Rs.500/-. On the

adjourned date, neither the cost was paid, nor written statement was filed. In the interest of justice, the case was further adjourned to 12.01.2017. Last opportunity was also endorsed. On 12.01.2017, the position remained the same and the Court proceeded to strike off the defence of the defendants on account of non-filing of the written statement. The conduct on the part of the defendants was such that they despite setting aside the order dated 27.09.2016, did not take any action in furtherance of filing any written statement to the suit and reply to the stay application. The cost imposed upon the defendants was also not paid.

In view of above, I see no error of jurisdiction in the order passed by the trial Court while striking off the defence of the defendants.

Dismissed.

03.08.2017	(RAJ MOHAN SINGH)
prince	JUDGE
Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No