

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

C.R.No. 3238 of 2017

Date of Decision: May 08, 2017.

Balwinder Kaur and another

....Petitioners

Versus

Bimla Devi

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Amit Sheoran, Advocate
for the petitioners.

Rajan Gupta, J (Oral)

Present revision is directed against the order passed by the trial court whereby defence of the petitioners-defendants has been struck off. It has been urged before the court that written statement could not be filed by the defendants due to circumstances beyond their control. It appears that plaintiff filed a suit for permanent injunction on 17.8.2016. After notice of the suit was issued, defendants failed to file written statement. Costs of Rs.500/- were imposed on them. They neither deposited the costs nor availed the opportunity granting to them to file written statement. It has, however, been submitted before the court that petitioner No.2 was injured in an assault by some accused. Learned counsel has referred to medical record-Annexure P/4 in this regard.

Keeping in view the facts and circumstances of the case, this court feels that one opportunity needs to be granted to file written statement. Impugned order is hereby set-aside. Trial court would grant one opportunity to the petitioners to file written statement. This court is

conscious of the fact that matter is disposed of without issuing notice to the respondent. Thus, petitioners would be liable to pay Rs.3000/- as costs which may be remitted to the plaintiff in addition to pay the costs of Rs.500/- as awarded by the trial court. Revision petition is allowed in these terms.

(Rajan Gupta)
Judge

May 08, 2017.

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No