

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

CR-52-2017

Date of decision: 11.1.2017

M/s U.P. State Handloom Corporation Ltd. And another
...Petitioners

Versus

Tarninder Singh and another
...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Syed Rehan, Advocate and
Mr.Amit Kashyap, Advocate for the petitioners

SNEH PRASHAR, J.

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 1.10.2016 (Annexure P-1) passed by learned Civil Judge (Senior Division), Chandigarh vide which, defence of the petitioners -defendants was struck off.

The respondents-plaintiffs had filed a suit for recovery of Rs.2,92,28,000/- against the petitioners-defendants on account arrears of rent etc. of SCO No.90-91, Sector 17-C, Chandigarh.

The submissions made by Mr.Syed Rehan, Advocate representing the petitioners have been considered.

Learned counsel for the petitioners submits that the

petitioner is a Corporate body run by the State Government. Due to transfer and posting of the officers in the concerned department, the direction for appointment of counsel to defend the case got delayed and therefore, the written statement could not be filed in time and learned trial Court struck off the defence of the petitioner. Submitting that non-filing of the written statement will cause irreparable loss to the petitioners, learned counsel prayed that just one more opportunity be granted to file the same.

Indeed, absence of pleadings on part of the petitioners-defendants will leave hardly any scope to put up its defence and contest the suit. In the interest of justice, to avoid unnecessary delay in the matter by issuing notice etc. to the respondents, in my considered opinion, the petitioners- defendants deserve to be given one last opportunity to file written statement. That will cause no prejudice to the rights of the respondents-plaintiffs as they have still to start with their evidence. Proper pleadings and evidence adduced by both the parties will also help the trial Court to better appreciate the issues involved and render substantial justice to the parties.

Resultantly, the present revision petition is allowed. The order dated 1.10.2016 is set aside and the learned trial Court is directed to grant one effective opportunity to the petitioners-defendants to file the written statement subject to deposit of Rs.3000/- as cost with the District legal Services Authority,

Chandigarh.

However, it is made clear that if the petitioners
-defendants fail to file written statement on the date so fixed by
learned trial Court, no further opportunity shall be granted to them.

11.1.2017
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned? **Yes / No**

Whether reportable? **Yes / No**