

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

CR No.6657 of 2017 (O&M)
Date of decision : 27.09.2017

Vijay Kumar Khosla and another

...Petitioners

Versus

Sakshi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nakul Sharma, Advocate with
Ms. Amanpreet Kaur, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The defendants are in revision petition against the order striking off their defence on the ground that defendant Nos.1 and 2 have failed to file their written statement despite availing sufficient time.

Counsel for the petitioners has submitted that two suits between the same parties were pending before the trial Court and the counsel representing them in both the suits remained under the impression that the case is still at the stage of service.

The suit was instituted on 13.05.2016. Striking off the defence is a serious matter. The dispute is with regard to the immovable property. The suit for possession has been filed against the defendants.

Taking into consideration the facts and circumstances of the case, the order under challenge is set aside.

The petitioners are granted one opportunity to file their written statement subject to the payment of costs of ₹10,000/-.

Counsel has informed that 07.10.2017 is the date fixed before the trial Court. The defendants shall file their reply on the date already fixed.

Since the order is being passed without issuance of the notice, therefore, the plaintiffs would be at liberty to move an application for recall of the same, if they are so advised.

Revision petition is allowed.

All the pending miscellaneous applications are disposed of, in view of the abovesaid order.

27.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No