

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

CR No.691 of 2017
Date of decision :12.10.2017

Jasvir Singh and another ...Petitioners

Versus

Baljinder Singh alias Pappu Singh Takhar ...Respondent

CR No.692 of 2017

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Versus

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CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (Oral)

By this order, I shall be disposing of two revision petitions i.e. CR Nos.691 and 692 of 2017. These revision petitions arise out of the two different suits, however, respondent-plaintiff is common.

By way of impugned order, the Court has struck off the defence of the defendants on the ground that neither the cost has been deposited nor written statement has been filed.

Learned counsel for the petitioners has submitted that defendants had filed an application under Order 7 Rule 11 CPC for rejection

In this case, the suit was initially pending in the civil Court at Jalandhar when the impugned order was passed. Later on the suit was transferred to Civil Court at Nakodar. Defendants engaged a new counsel and on inspection of file, it transpired that defence of the defendants has been struck off.

Learned counsel for the petitioners-defendants undertake that he will file a written statement on or before 31.10.2017. Striking off the defence is a serious matter. This should be adopted only as a last resort.

Taking into consideration the facts available on the file, this Court feels that the defendants deserve to be given one opportunity to file its written statement and pay costs.

In view thereof, the impugned orders passed by the learned trial Court are set aside. Defendants-petitioners are granted one opportunity to file the written statement. Such opportunity shall be subject to payment of cost of Rs.5000/- in each case payable to the funds of Bar Association, Nakodar.

12.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No