

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

Civil Revision No. 7345 of 2017

Date of Decision:17.11.2017

L.R. International Pvt. Ltd. and others
V/S

.....Petitioners

M/s Jila Singh Harpal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Vivek Goel, Advocate for the petitioners.

Mr.Amit Gupta, Advocate for the respondent.

B.S.Walia, J. (Oral)

Challenge in the revision petition is to order dated 09.09.2017 (Annexure P-1) passed by the learned Civil Judge(Sr. Div.), Yamuna Nagar at Jagadhri, whereby the defence of the defendants/petitioners Nos. 1 to 6 was struck off.

Learned counsel for the petitioner states that the defendant/petitioner Nos. 1 to 6 had put in appearance before the learned trial Court on 06.04.2017 and filed Power of Attorney on 09.09.2017. Thereafter, the case was listed on 04.07.2017 on which date, time was sought to file written statement. However time was not granted, instead impugned order was passed by recording that number of opportunities had been availed but written statement had not been filed.

Learned counsel states that only two opportunities had been availed for filing written statement besides, it was settled law that maximum period of 90 days for filing written statement was not mandatory but directory and that in case sufficient cause was made out for not filing the written statement within the stipulated period of time, time could be extended by the Court to do substantial justice to the parties and to prevent miscarriage of justice.

On the other hand, learned counsel for the respondent states that despite the petitioner having availed two opportunities, written statement was not filed, therefore, no indulgence was called for.

Having considered the submissions made by learned counsel for the parties, I am of the view that one opportunity be provided to the petitioners herein to file written statement.

In the circumstances, order dated 09.09.2017 (Annexure P-1) passed by the learned Civil Judge(Senior Division), Yamuna Nagar at Jagadhri, is set aside and one effective opportunity is granted to defendant Nos. 1 to 6 i.e. petitioners herein to file their written statement within a period of two weeks from the date of receipt of certified copy of this order, subject to payment of Rs.3,000/- as costs to the respondent-plaintiff.

Revision petition is allowed in the aforementioned terms.

(B.S.WALIA)
JUDGE

17.11.2017
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No