

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

**C. R No. 7529 of 2017 (O&M)
Date of decision : 06.11.2017**

Amrita Dhindsa and anr.

....Petitioners

versus

Surjit Kumar

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kapil Khanna, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 08.09.2017 passed by learned Civil Judge (Sr. Divn.), NRI Court, Jalandhar whereby the defence of the petitioners has been struck off.

A perusal of the orders shows that an application under Order 7 Rule 11 CPC was fixed for 16.08.2017 and it was adjourned to 29.08.2017. On the said application, arguments were heard and same was dismissed on 29.08.2017 and the case was adjourned for 08.09.2017 for filing written statement. However, learned counsel for the petitioners-defendants could not file the written statement on that date but the Court below struck off the defence of the petitioners on the same day.

Learned counsel submits that a perusal of the interim orders reflect that not even a single opportunity was granted by the Court below whereby the petitioners were directed to present the written statement.

In view of the above, order dated 08.09.2017 passed by learned Civil Judge (Sr. Divn.), NRI Court, Jalandhar is hereby set aside and the

instant revision petition is ***allowed*** and the trial Court is directed to give one effective opportunity to the petitioners to file written statement on 13.11.2017, subject to deposit of cost of Rs.5000/- to be paid before the District State Legal Service Authority, Jalandhar.

06.11.2017

(RITU BAHRI)
JUDGE

G.Arora

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>