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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****C.R. No.9099 of 2017 (O & M)****Date of Decision: 22.12.2017**

M/s Raghav Enterprises and another

.....Petitioners

Versus

ONS Logistics India.

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPALPresent:- Mr. Kewal Singh, Advocate
for the petitioners.**ANIL KSHETARPAL J.(oral)**

Defendants-petitioners are in civil revision petition against order of striking off their defence on account of non-filing of the written statement within the prescribed time.

Learned counsel for the petitioners has drawn attention of the Court to the fact that initially defendants-petitioners had filed an application for directing the plaintiff to produce certain documents, which was decided on 27.09.2017 and documents were supplied to the defendants. He has submitted that thereafter the Court failed to grant sufficient opportunity to the defendants-petitioners.

Although after 27.09.2017, the Court granted the defendants-petitioners almost a period of one month, however, taking into consideration the fact that the suit is for recovery and in the absence of the written statement, defendants would not be able to defend the suit, therefore, in the

considered opinion of this Court, petitioners deserve to be granted one more opportunity to file the written statement.

Learned counsel for the petitioners has submitted that the case is now fixed before the Trial Court on 05.01.2018.

In view of the above, defendants-petitioners shall be granted an opportunity to file written statement on the date fixed, subject to payment of costs of Rs.10,000/- which shall be payable to the plaintiff by way of demand draft.

Since this order has been passed without issuing notice to the respondent, it would be at liberty to move an appropriate application for recall, if it feels aggrieved.

Accordingly the present petition is disposed of.

December 22, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No