

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-3279-2018

Date of decision: 16.05.2018

Uttari Haryana Bijli Vitran Nigam Ltd. and another

..... Petitioners

Versus

M/s Ashoka Trading Co. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. BR Mahajan, Senior Advocate with
Mr. PK Longia, Advocate for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, the petitioner-defendants have laid challenge to the order dated 04.12.2017 (Annexure P-3) of the trial Court, whereby their defence was struck off.

Perusal of the file shows that the petitioner-defendants even despite obtaining 9 effective opportunities, did not file written statement. Therefore, their defence was struck off vide order impugned herein.

Heard.

Without commenting upon the merits of the case, but considering principles of natural justice, equity, good conscience and fair play and the fact that no one should be condemned unheard for technical reasons, the petitioner-defendants, a semi-Government functionary, are granted one last opportunity to file written statement while setting aside the impugned order Annexure P-3, subject to payment of ₹ 10,000/- as costs.

The amount of costs shall be deposited with the District Legal

Service Authority, Kurukshetra and the written statement would be filed by the petitioners positively on the next date of hearing fixed by the trial Court i.e. 24.07.2018, failing which this order shall stand automatically cancelled. The aforesaid amount of costs shall be recovered by the petitioners'-Department from the salary of erring official and would produce the proof thereof, before the trial Court.

The instant revision is allowed without issuing notice to the respondents with a view to impart justice expeditiously to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within a period of one month from today.

It is, however, made clear that this order shall not be treated as precedent, inasmuch, as every case has its own peculiar facts and circumstances.

May 16, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No