

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 106

Case No. : C. R. No. 3842 of 2018

Date of Decision : December 18, 2018

Singla Builders & Promoters Limited  
and others

.... Petitioners

vs.

M/s New Dadiala Timbers

.... Respondent

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.**

\* \* \*

Present : Mr. Maninder Singh, Advocate  
for the petitioners.

None for the respondent.

\* \* \*

**DEEPAK SIBAL, J. (Oral) :**

The present petition is directed against the order dated 06.03.2018 passed by the Civil Judge (Senior Division) (for short – the Trial Court) through which the defence of the petitioners has been struck off for the reason that after putting in appearance before the Trial Court, they had not filed their written statement within a period of 90 days.

Learned counsel for the petitioners submits that the petitioners, who are defendants no. 1 to 4 in the suit for recovery filed by the respondent, could not file their written statement within a period of 90 days after having put in appearance before the Trial Court due to some miscommunication between them and their counsel as also for the reason

written statement. It is further submitted that the written statement is ready and that if permitted by this Court by imposing reasonable costs, the same would be filed within the time to be allotted by this Court.

In spite of service, no one has put in appearance on behalf of the respondent.

In view of the above facts and in line with the principles of natural justice, as also for the reason that the petitioners should not be precluded from raising their defence at the initial stage of the trial, subject to payment of Rs.20,000/- as costs to be paid by the petitioners to the respondent, the impugned order is set aside and the petitioners are granted 15 days time to file their written statement.

The present petition stands allowed in the above terms.

( DEEPAK SIBAL )  
JUDGE

December 18, 2018  
*monika*

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|------------------------------------|----------------|
| <i>Whether speaking/reasoned ?</i> | <i>Yes/No.</i> |
| <i>Whether reportable ?</i>        | <i>Yes/No.</i> |