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

CR No. 5483 of 2018

Date of Decision: 21.11.2018

Ramesh Kumar and others

-Petitioners

Versus

Risal Singh and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajit Kumar Sharma, Advocate, for
Mr. Ram Darshan Yadav, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners have challenged the order dated 21.05.2018 passed by Civil Judge (Junior Division), Rewari vide which defence of the petitioners-defendants was struck off.

Perusal of the record would show that the case was fixed for 27.07.2017, 11.08.2017, 31.08.2017 and 26.10.2017 for the purposes of effecting service upon unserved defendants.

On 21.12.2017, it was recorded that written statement was filed by the petitioners, however service qua defendant No.6 was not complete. The same status continued thereafter and subsequent orders dated 21.02.2018 and 30.04.2018 were passed and last opportunity was granted to defendants No.1 to 5 for filing written statement.

At the time of issuance of notice of motion on 23.08.2018 after recording some incriminating facts, it was also noticed that *de hors*

proceedings on record, written statement was ready on the date of passing of impugned order but since the Bar had suspended the work, therefore, the same could not be filed.

Notice of motion was issued to respondents No.1 to 5 only.

In pursuance of aforesaid notice of motion, liberty was granted to the petitioners to serve unserved respondents through their learned counsel appearing before the trial Court on 10.09.2018.

As per office report, respondents have been served through their learned counsel appearing before the trial Court.

There is no representation on behalf of the respondents.

The controversy involved in the present revision petition is not such which would prevent this Court from passing reasonable order, subject to payment of adequate costs to the respondents.

Since, defence of the defendants has been struck off, therefore, I deem it appropriate to grant one opportunity to the defendants to file written statement on a date to be fixed by the trial Court, subject to payment of costs of Rs.10,000/- to be paid to the plaintiffs in equal proportion.

Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

Disposed of.

21.11.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No