

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 120

CR-6904-2018

Date of decision : 10.10.2018

Karan Singh and others

..... Petitioners

VERSUS

Pinki Kumari and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ajay Vijarania, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 11.09.2018, passed by the Additional Civil Judge (Senior Division), Loharu, through which the petitioners' defence has been struck off.

After hearing learned counsel for the petitioners and perusing the record it is revealed that the petitioners, who were defendants No. 1 to 3 in the suit preferred by respondent No. 1, on being put to notice, had put in appearance before the Trial Court for the first time on 17.05.2018. Thereafter the matter was adjourned to 02.07.2018 for causing service on the unserved respondent No. 4/defendant No. 6 as also to enable the petitioners to file their written statement. On 02.07.2018, the matter was adjourned to 11.09.2018 which was the second opportunity granted to the petitioners to file their written statement but since on 11.09.2018 also the petitioners did not file their written statement, their defence was ordered to be struck off. It is this order which is under challenge in the present proceedings.

Learned counsel for the petitioner submits that the petitioners did not file the written statement as all the defendants had not been served. He prays that one opportunity be granted to the petitioners to file their written statement.

Two opportunities were granted to the petitioners during the course of which they did not file their written statement. One opportunity is prayed for to do the needful. In line with the principles of natural justice as also not to preclude the petitioners from putting forth their defence at the initial state of the trial, after setting aside the impugned order, one opportunity is granted to the petitioners to file their written statement. The same be filed on or before the next date of hearing before the Trial Court.

The present petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

10.10.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No