

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

257

**CR No.6974 of 2018(O&M)
Date of Decision: 10.12.2018**

Mahender Singh and anr

.....Petitioners

Versus

Babu Lal

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Amit Jain, Advocate
for the petitioners.

Mr.Rajesh Arora, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

Petitioners have assailed the order dated 9.3.2018 passed by the Civil Judge (Jr.Divn.), Pataudi, vide which reply to the counter claim was denied.

Perusal of the record would show that after 20.3.2017, five opportunities were availed by the plaintiff-petitioner including the last opportunity for filing reply to the counter claim. On 12.10.2018, notice of motion was issued by recording the contention of learned counsel for the petitioner that though there was some omission on the part of the petitioners, but the same can be condoned by imposing adequate costs upon them in favour of the respondent.

Learned counsel for the respondent though opposed the petition on merits, but in my considered opinion cause of justice should prevail and the plaintiffs-petitioners can be burdened with costs of ₹ 20,000/- to be paid to the respondent for one opportunity to be awarded to them by the trial Court for filing reply to the counter claim on the date to be fixed by the trial Court. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

Petition stands disposed of accordingly.

December 10, 2018
anita

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No