

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

CR No.7138 of 2018

Date of Decision:23.10.2018

Baba Nand Singh Charitable Trust and anotherPetitioners.

Vs.

Amarjeet Singh and othersRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Ms.Himani Kapila, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioners seek the setting aside of the order dated 03.07.2018 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Ludhiana.

Pursuant to the order dated October 22, 2018, learned counsel for the petitioners submits that she has taken instructions that the evidence of the plaintiff is still to commence, with the next date of hearing before the trial Court being November 21, 2018.

Learned counsel for the petitioners submits that the written statement could not be filed earlier as certain documents that the petitioners herein (defendants in the suit) wish to rely upon could not be obtained by them.

Even considering the above, as is evident from the impugned order dated 03.07.2018, the petitioners had put in appearance in the suit on 03.08.2017, i.e. exactly 11 months prior to the impugned order having been passed, with no written statement having been filed for such a long time.

Even so, with the trial being virtually at its threshold, this petition is allowed without issuing notice to the respondents/plaintiffs, subject of course to the contention of learned counsel for the petitioners being correct that no evidence has been led so far by the plaintiff before the trial Court.

The petitioners would be permitted to file their written statement within a period of 2 weeks from today, subject to payment of costs of Rs.5,000/- to be paid to the respondents/plaintiff.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

October 23, 2018.

dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO