IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

121 CR No.7166 of 2018 (O&M)
Date of decision:12.11.2018

Mohinder Singh and others

... Petitioners

versus

Jagtar Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

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

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioners challenge the order passed by the learned Additional Civil Judge (Senior Division), Tarn Taran, dated 29.8.2018 (Annexure P-7) by which due to non-filing of the written statement within a period of 90 days, the defence of the petitioners, i.e. respondents no.1 to 5/contemners in the application under Order 39 Rule 2A of the CPC, has been struck off.

Learned counsel for the petitioners submits that the written statement in the suit itself has been filed by the petitioners and on specific query, he further states that no evidence of the plaintiff has been led so far even in the application under Order 39 Rule 2A despite 2-1/2 months having gone by since the impugned order was passed.

That being so, subject to the aforesaid statement being correct and no evidence having been led on behalf of the respondent herein, i.e. the plaintiff in the suit, this petition is allowed subject further to the petitioners paying Rs.3,000/- as costs to respondent no.1 and filing the written

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statement tomorrow itself in the trial Court, the date of hearing being tomorrow.

The impugned order is consequently set aside.

12.11.2018 **(AMOL RATTAN SINGH)**
pk **JUDGE**

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No

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