

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

CR No. 7554 of 2018

Date of Decision: 14.11.2018

Suman and another

..... Petitioners

Versus

Kanta Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Sandeep K.Sharma, Advocate for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

Mr.Balraj Gujjar, Advocate puts in appearance on behalf of private respondents No. 1 to 5 and files Memo of Appearance in Court; Be taken on record.

Office report seen.

Respondent No.7 reported to have been served.

Heard both sides and perused the impugned order.

The defence of the respondents was struck off by the Ld. Civil Judge(Sr. Divn.), vide order dated 11.10.2018 (Annexure P-2), after observing that it was already 4.10 p.m. at that time of the day and no further wait is justified, for reply to succession petition.

Learned counsel for the petitioners submits that his clients are in a position to file the reply forthwith and are also willing to pay the costs as compensation for the delay occasioned.

It transpires that evidence from the plaintiff side has not commenced and the matter is now posted on 17.11.2018 for that purpose.

In the given circumstances and in the interest of justice, this Court is inclined to grant just one opportunity to the petitioners to put in their defence before the Ld. Trial Court positively by the next date fixed, in which event their reply, if actually filed, shall be accepted by the Ld. Trial Court subject to payment of compensatory cost of Rs.5,000/- in favour of the plaintiff.

Disposed off.

14.11.2018

Anjal

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No