

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

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CR No.9250-2018

Date of Decision: December 17, 2018

Jasveer Singh @ Bablu and others

.....Petitioner(s)

versus

Satpal and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE DEEPAK SIBAL

Present: Mr.Surinder Garg, Advocate for the petitioners.

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 14.09.2018 passed by the Civil Judge (Junior Division), Gidderbaha (for short-'the Trial Court) through which the defence of the petitioners who are defendants No.1 to 3 in the suit, has been struck off for the reason that they had not filed written statement within the statutory time period.

Learned counsel for the petitioners submits that written statement by the petitioners could not be filed within 90 days from the date they were served for the reasons that they were digging out record which has now been procured by them. It is prayed that subject to imposition of reasonable costs, at their own risk and responsibility, one opportunity may be granted to the petitioners for filing written statement on or before 04.01.2019 i.e. the next date of hearing fixed before the Trial Court.

In the facts of the present case and in line with the principles of natural justice as also for the reason that the petitioners may not be precluded from putting forth their defence at the initial stage of the trial, subject to

payment of ₹20,000/- as costs to be paid by the petitioners to respondent No.1, after setting aside the impugned order, the Trial Court is directed to grant to the petitioners one and only one effective opportunity to file their written statement which they may now file on or before 04.01.2019, i.e. the next date before the Trial Court.

The petition is allowed in the above terms.

If the respondent No.1 is aggrieved by the passing of the present order he is at liberty to approach this Court by filing of an appropriate application.

December 17, 2018

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[DEEPAK SIBAL]

JUDGE

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