

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 988 of 2019

Date of Decision: 14.02.2019

The Luxmi Vilash Bank. Ltd.

.....Petitioner

Vs.

Anuj Kansal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Munish Mittal, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court [Civil Judge (Senior Division), Kaithal], dated 18.01.2019, by which the defence of the petitioner, i.e. defendant no. 2 before that Court, has been struck off on the ground that “the mandatory period of 90 days has already expired after the petitioner put in appearance before that Court.”

Upon specific query to learned counsel he submits that he had put in such appearance on 17.09.2018, with naturally therefore 90 days expiring thereafter on 16.12.2018.

Learned counsel for the petitioner, on specific query, submits firstly that the written statement is ready to be filed which was also so on the last date of hearing before the trial Court, i.e. 23.01.2019, but operation of the impugned order dated 18.01.2019 not having been stayed, naturally it could not be filed.

Secondly, he submits that the evidence of the plaintiffs is still to commence.

Subject to that contention being correct, i.e. that no evidence of the respondents-plaintiffs has been led so far before the trial Court (with the next date of hearing now stated to be 25.02.2019), this petition is allowed subject to payment of costs of Rs. 7,000/-, to the respondents-plaintiffs, with the written statement of the petitioner, i.e. defendant no. 2 before the trial Court, to be filed by the next date of hearing before the trial Court, i.e. 25.02.2019.

If all the three conditions are met, i.e. it is filed by the next date of hearing before the trial court, i.e. 25.02.2019, with costs of Rs. 7,000/-, and provided no evidence has been led so far by the respondents-plaintiffs, the impugned order would stand set aside, but if either of the three conditions are not met, this order would be deemed to have not been passed.

February 14, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.