

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1193 of 2019
Date of decision:20.02.2019

Daljit Singh and others ... Petitioners
Vs.

Shri Guru Ravidass Charitable Trust
Committee, Mohalla Sidh Banga and others
... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioners/defendants No.1, 5, 8 and 9 are aggrieved of the impugned order dated 05.01.2019, whereby, their defence has been struck off on the ground of non-filing of written statement.

Learned counsel appearing on behalf of the petitioners submits that in case, one opportunity is granted, subject to any terms and conditions which this Court deems fit, the written statement shall be filed before the trial Court on the adjourned date. He further submits that no prejudice would be caused to the respondents, who shall be compensated in terms of costs.

I have heard learned counsel for the petitioners and appraised the paper book.

No doubt, the petitioners had taken many adjournments to lead evidence and failed to do so, but I am of the view that the lis between the parties is required to be adjudicated on merits and not on technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioners to file the written statement before the trial Court on the adjourned date, subject to payment of costs of ₹5,000/- to be paid to the contesting respondents, which shall be a condition precedent .

I do not intend to issue notice of motion as it would unnecessarily cause expenditure upon the respondents to avail the services of lawyer. In order to defray the costs of litigation, the aforementioned order has been passed.

Accordingly, the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

February 20, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No