

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2224 of 2019

Date of Decision: 05.04.2019

M/s City Continuous Stationary Pvt. Ltd. and another

.....Petitioners

Vs.

M/s Ladhar Paper Mills

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Hari Om Sharma, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioners challenge the order of the learned trial Court [Civil Judge (Junior Division), Nakodar], dated 05.01.2019, by which, practically, the defence of the petitioners has been struck off, with the trial Court holding that “opportunity granted to defendants for filing of written statement stands closed by order.”

A perusal of the impugned order shows that the petitioners (defendants in the suit) were represented by counsel for the first time on 21.09.2018, with a power of attorney having been presented by him on 12.10.2018.

Thereafter, they were granted 05 opportunities to file a written statement, but despite, thereafter, even costs having been imposed and they having been informed very clearly that if they failed to file their written statement, the opportunity to do so would be closed by order, the needful was not done.

It is seen that the suit is one filed by the plaintiff seeking recovery of Rs. 62,06,808/- from the petitioners-defendants.

It is further seen that the impugned order was passed on 05.01.2019, i.e. three months ago, with this petition having been filed on 26.03.2019.

Upon query to learned counsel, he submits that the date of hearing fixed by the trial Court in the suit is today, for the respondent-plaintiff to lead its evidence.

Subject to that contention being correct (to the effect that before today no evidence has been led), this petition is allowed, further subject to the condition that the petitioners, (who very obviously were deliberately simply delaying proceedings, where the respondent is seeking recovery of money from them), would pay Rs. 50,000/- as costs, after which they would be permitted to file their written statement, within a period of 15 days from today.

April 05, 2019
nitin/vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes