

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

**CR No.4351 of 2019**

**Date of decision: 17.07.2019**

**Saggu Agro Industries and another**

**...Petitioners**

**Versus**

**Avinash Udyog**

**...Respondent**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Parveen Kumar Garg, Advocate,  
for the petitioners.

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**Ritu Bahri, J.**

Challenge in this petition is to the order dated 19.04.2019 (Annexure P-1) passed by the Civil Judge (Junior Division), Sunam, whereby defence of defendant-petitioners has been struck off.

A perusal of the impugned order shows that even after the lapse of stipulated period of 90 days, defendants-petitioners had failed to file their written statement. In this backdrop, the defence of the defendants has been struck off. Plaintiff (respondent) has filed this suit for recovery of Rs.1,89,048.60/- on 13.08.2018 (Annexure P-2). After service, defendants-petitioners were proceeded against ex-parte vide order dated 26.09.2018. Thereafter, their application for setting aside the ex-parte proceedings was allowed by the trial Court vide order dated 08.02.2019 (Annexure P-3) and the case was adjourned to 29.03.2019 for filing of written statement. On 29.03.2019, case was adjourned to 19.04.2019 for filing the written

statement. On 19.04.2019, defendants-petitioners did not file their written

statement. Due to this reason, evidence of defendants was struck off.

However, in the given circumstances of the case, to impart complete justice to the parties, it would be appropriate, if adequate opportunity is provided to the defendants-petitioners to defend their case by filing written statement and leading evidence.

Accordingly, the impugned order dated 19.04.2019 (Annexure P-1) is set aside and the defendants-petitioners are directed to file their written statement before the trial Court within a period of one week from the date of receipt of certified copy of this order, subject to costs of Rs.5000/- to be deposited with the District Legal Services Authority, Sangrur. The trial Court is directed to proceed with the trial in accordance with law after accepting the written statement of the defendants (petitioners).

Allowed accordingly.

17.07.2019  
ajp

(RITU BAHRI)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No