

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8121 of 2019 (O&M)

Date of Decision:17.12.2019

CANARA HSBC ORIENTAL BANK OF COMMERCE & ANR.

...Petitioners

Versus

GURIQBAL SINGH & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nitesh Singhi, Advocate for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order 03.04.2019 passed by the Civil Judge, (Junior Division), Gurdaspur (for short-the Trial Court) striking off the petitioners' defence.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition, are that the respondents No.1 and 2 filed a suit seeking therein to recover from the petitioners an amount of ₹3,91, 009/- along with interest and costs. On being put to notice, the petitioners, who were defendants in the suit, appeared before the Trial Court on 14.09.2018 but since they did not file their written statement within 90 days from that date, the Trial Court, through its order dated 03.04.2019, struck off their defence. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the petitioners submits that the petitioners' written statement could not be filed in time due to some miscommunication

between the petitioners and their counsel/counsel's staff appearing for them before the Trial Court. He further submits that the petitioners' written statement is ready and can be filed at any time if so permitted by this Court.

After considering the afore-submissions made by learned counsel for the petitioners and in line with the principles of natural justice as also not to preclude the petitioners from raising their written defence at the threshold of the litigation that they are facing, subject to payment of ₹25,000/- as costs, to be paid by the petitioners to the respondents No.1 and 2, the impugned order is set aside and the petitioners are permitted to file their written statement within ten days from today.

The Trial Court shall ensure that the costs ordered to be paid by the petitioners to respondents No.1 and 2 are transferred to their bank accounts in equal share.

The petition is allowed in the above terms.

If respondents No.1 and 2 are aggrieved by the passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

December 17, 2019

Jyoti-17 Whether speaking/reasoned Yes/No Whether Reportable Yes/No