

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

**CR-423-2020(O&M)**

**Date of decision: 22.01.2020**

**Rajinder Kumar and others**

**.....Petitioners**

Versus

**Vijay Kumar and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr.Varun Goyal, Advocate for the petitioners

**ANIL KSHETARPAL, J. (ORAL)**

Challenge is to the orders passed by Court on 12.7.2019 and 13.11.2019. In the suit filed by the plaintiff the case was fixed for filing written statement by the defendants, however, no written statement was filed. Keeping in view the aforesaid facts, the Court struck off their defence. On the same day application was filed under Section 151 CPC alongwith written statement and reply to the stay application. The Court chose to decline the same.

Although the conduct of the defendants is not appreciable, however, in the interest of justice, it is considered appropriate to allow the defendants to file their written statement. Such opportunity shall be subject to the payment of cost of Rs.20,000/-, which shall be condition precedent, payable by way of demand draft in favour of the plaintiff before the written statement and the reply to application for grant of injunction filed is taken on record.

Disposed of.

**22.01.2020**

rekha

Whether speaking/reasoned

Whether Reportable

**(ANIL KSHETARPAL)**

**JUDGE**

Yes / No

Yes / No