

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

C.R. No. 1569 of 2020

Date of Decision: 04.03.2020

MAHENDER & OTHERS

.....Petitioners

Vs

ATTAR SINGH & OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

ANIL KSHETARPAL J. (Oral)

Defendant Nos. 1 to 6 and 8 have filed present revision petition under Article 227 of Constitution of India assailing correctness of order dated 6th December 2019. Learned Civil Judge, Senior Division Gurugram, has struck off the evidence of the petitioners on the ground that they have failed to file their written statement as well as reply to the application for temporary injunction.

Learned counsel for the petitioner has drawn attention of the Court to various daily orders passed by the Court. He submits that on .03.12.2019 counsel for defendant No. 1 to 6 and 8 (petitioner herein) had put in appearance. Since service of notice on defendant No.1 and 9 was not complete, therefore, fresh notice was issued. Simultaneously, petitioners (defendant No. 1 to 6 and 8) were also called upon to file their reply. On 23rd July 2019, once again same order was repeated and the case was adjourned to 24 October 2019. On that day

defendant No. 7 and 9 were proceeded against exparte and last opportunity was

granted to the petitioners to file their written statement and reply to injunction application.

Learned counsel for the petitioners contend that the petitioners remained under impression that this was the first opportunity granted to the petitioners to file their written statement. He further submitted that the plaintiff has filed a suit of declaration and possession by way of partition of the property with consequential relief of permanent. He submit that petitioners would suffer irreparable loss if the defendants are not permitted to file their written statement and reply to the injunction application.

Keeping in view the facts of the case, it is considered appropriate to grant one last opportunity to the petitioners to file their written statement along with reply to the application for injunction. However, such opportunity shall be subject to the payment of costs of Rs. 20,000/- payable to the plaintiff by way of demand draft. The petitioners shall file their reply within 3 weeks positively irrespective of fact that whether the case is listed before the trial Court within the aforesaid time or not.

Accordingly, the present revision petition is disposed of.

(ANIL KSHETARPAL)

JUDGE

04.03.2020

*monika**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No