

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

113

CR-2006-2020

Decided on : 08.07.2020

M/s Maan Singh Krishan Kumar & another
Versus

... Petitioners

Haryana State Warehousing Corporation & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Madan Pal, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present revision petition has been filed by petitioners-defendants No.3 & 4, under Article 227 of the Constitution of India, for setting aside the impugned order dated 02.03.2020 (Annexure P-1), passed by Addl.Civil Judge, Panipat, vide which defence of the petitioners-defendants had been struck off.

Counsel submits that the suit is for recovery of Rs.1,91,22,586/- and grave prejudice would be caused to the petitioners if they are not given opportunity to defend the suit. It is further submitted that the next date of hearing is 29.07.2020 and the written statement and power of attorney would be filed on the said date, subject to deposit of reasonable cost which this Court may assess.

Keeping in view the fact that the suit had been filed by the respondent-Corporation and the defence, as such, was struck off vide the impugned order. Last opportunity was given but without imposing any costs and putting the petitioners to caveat though appearance had been put in on 16.10.2019, at the first instance, by the petitioners who are defendants No.3 & 4. The fact that the petitioners would face grave hardship if the suit is to be

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decreed, was not kept in mind and that the rules of procedure are hand maids of justice. The present revision petition is, thus, allowed without issuing notice to the respondent-Corporation as it would only delay the proceedings and entail unnecessary burden upon the Exchequer for contesting a pre-determined result.

Accordingly, the impugned order dated 02.03.2020 (Annexure P-1) is set aside, conditionally and the petitioners-defendants No.3 & 4 shall pay a sum of Rs.10,000/- as costs, with the Secretary, Legal Services Authority, Panipat, for unnecessary delaying the proceedings. It is, however, made clear that since defendants No.1 & 2 have not challenged the order impugned, the said benefit would not flow to them by the present order. If the written statement is not filed on 29.07.2020 by the petitioners or the costs are not deposited by the said date, the present revision petition shall be deemed to have been dismissed.

JULY 08, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No