

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

115

CR-7612 of 2019 (O&M)
Date of decision:16.1.2020

M/s Subhash Engineering and others

... Petitioners

versus

M/s SSLE India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vaibhav Jain, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Pursuant to the order of this Court dated 14.1.2020, learned counsel for the petitioners has produced in Court an order passed by the learned Additional Civil Judge (Senior Division), Faridabad, dated 11.12.2019, effectively stating therein that a reply to an application filed under Order 9 Rule 7 of the CPC had been filed, with the matter adjourned to 11.2.2020 for consideration.

It is to be noticed that in this petition, the petitioners have challenged the order passed by the learned trial Court on 26.9.2019, by which the defence of the petitioners have been struck off, on the ground that despite the order passed by that court on 13.9.2019, holding therein that since a period of more than 90 days had expired, with no written statement filed, yet one opportunity was being granted to the defendants to file the reply on payment of costs of Rs.200/-, neither had the costs been paid nor had the reply been filed, on the plea that the defendants were out of station on account of the death of a relative.

Keeping in view the fact that no effective proceedings have taken place between 26.9.2019 till today, it is considered appropriate even without issuing notice of motion in this petition, that the petitioners be granted one single opportunity to file a written statement before the trial court, within 15 days from today, upon payment of Rs.10,000/- as costs.

Ordered accordingly.

Upon them doing so, the impugned order shall stand set aside, with the written statement so file ordered to be taken on record of the suit pending before the trial Court.

It is, however, made clear that if either the aforesaid costs are not paid, or the written statement is not been filed by 27.1.2020, this petition will be deemed to have been dismissed.

Disposed of in the above terms.

16.1.2020

pk

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes/No

Yes/No