

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-388-2021

Date of decision:24.02.2021

M/s Mohan Rice Mills and another

... Petitioners

Versus

Haryana State Warehousing Corporation District Office, Panipat and others

... Respondents

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

Present: Mr.Lalit Sharma, Advocate
for the petitioners

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

G .S. Sandhawalia , J. (Oral)

The present revision petition challenges the order dated 02.03.2020 (Annexure P-1) passed by Additional Civil Judge (Senior Division), Panipat, whereby defence of the petitioners has been struck off in the civil suit, wherein they have been arrayed as defendants No.1 and 2.

Learned counsel for the petitioners submits that power of attorney as well as the written statement could not be filed on the date fixed as petitioner No.2 was in custody being the proprietor of petitioner No.1, in case FIR No.363, dated 22.10.2018, under Sections 406/420 IPC, registered at Police Station Madhuban, Karnal. He had been arrested on 04.01.2020 and released on interim bail for a period of 60 days vide order dated 10.04.2020 passed by the Sessions Judge, Karnal. It is also pointed out that vide said order, the defence of other defendants No.3 and 4 had also been struck off. Defendant No.3 had then filed Civil Revision No.2006 of 2020 before this Court, in which the said order was set aside conditionally on payment of

Rs.10,000/- as costs with the Secretary, Legal Services Authority, Panipat, vide order dated 08.07.2020 (Annexure P-2). It is further pointed out that defendants No.1 and 2 (present petitioners) had not challenged the order and therefore the benefit could not be given to them as per the said order and thus, they need to file the present revision petition.

Keeping in view the fact that the suit is for recovery of Rs.1,91,22,586/-, this Court is of the opinion that rights of the petitioners should not be prejudiced. It is further pointed that next date of hearing is 02.03.2021 and learned counsel for the petitioners undertakes that written statement and power of attorney would be filed on the same date.

Thus, notice is not issued to the plaintiff-respondent No.1, as it would only delay the proceedings, which have been initiated for recovery of loss of public money. Resultantly, the order dated 02.03.2020 (Annexure P-1) is set aside subject to payment of Rs.5000/- as costs to be deposited with the Secretary, Legal Services Authority, Panipat. It is made clear that if the written statement is not filed or the costs are not deposited on the same date, this revision petition would be deemed to be dismissed.

24.02.2021*neenu***(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No