

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

CR No. 3331 of 2017

DATE OF DECISION :- December 13, 2022

Davinder Narang and another

...Petitioners

Versus

M/s Audy Exports Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. V.K. Sandhir, Advocate for the petitioner.

Mr. Vaibhav Narang, Advocate for the respondent.

In a suit for recovery filed by the plaintiff M/s Audy Exports Pvt. Ltd., Amritsar against defendants Davinder Narang and Ms. Varun Agencies, Ludhiana pending in the Court of Civil Judge, Junior Division, Amritsar, notices were issued to defendants, who put in appearance in the Court on 1.8.2015 through counsel. The counsel representing defendants sought repeated adjournments for filing of written statements, however, written statement was not filed within stipulated period of 90 days. The defendants were burdened with cost of Rs.100 also. Since neither the written statement was filed nor costs were paid, the defence of defendants was struck off vide order dated 8.12.2015. The defendants had filed an application for recalling of order dated 8.12.2015. It was also dismissed.

Feeling aggrieved, the defendants have preferred a revision petition before this Court, notice of which was given to the respondent.

I have heard learned counsel for the revisionists and learned counsel for the respondent besides going through the record.

Though the defendants appear to have adopted a very casual

approach in the matter showing negligence also in not filing the written statement at the earliest and after being burdened with cost the costs were also not paid but in the interest of justice to afford defendants an opportunity to present their defence so that the suit can be decided on merits rather than non-suiting the defendants for technical reasons, one opportunity is granted to defendants to file written statement.

Accordingly, the revision petition is accepted. The impugned orders are set aside and revisionist defendants are afforded one opportunity to file written statement subject to payment of Rs.10,000/- as costs. The written statement be filed within a period of three weeks from today. Along with the written statement a demand draft in the sum of Rs.10,000/- in favour of the plaintiff be submitted. Written statement would be accepted by the trial Court if it is accompanied by the demand draft otherwise it shall not be taken on record.

**(H.S. MADAAN)
JUDGE**

December 13, 2022

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No