

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 575 of 2022 (O&M)

Date of Decision: 14.03.2022

Presscom Products Private Limited and Another

... Petitioner(s)

Versus

Rattan Power Presses Private Limited and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep Kumar, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioners are the defendants in a suit for rendition of accounts, filed by the plaintiff (the respondent No.1). The suit is arising from the business transactions between the plaintiff and the defendants. The defence of the petitioners has been struck off by the trial Court due to the non-filing of the written statement.

2. The learned counsel representing the petitioners contends that the *ex parte* proceedings against the petitioners were set aside on 17.03.2021. After granting two opportunities, the petitioners' defence was struck off. He further submits that previously, a written statement was drafted and forwarded by the petitioners to late Sh. Abhilash Mohanty, Advocate, who had unfortunately committed suicide in December, 2021. He relies upon the post mortem report of late Sh. Abhilash Mohanti, Advocate.

3. Keeping in view the aforesaid facts, the present revision petition is accepted and the order passed by the trial Court on 04.01.2022 is

set aside, subject to payment of costs of ₹10,000/-. The petitioners will file the written statement before the next date of hearing i.e. 05.04.2022, in the trial Court, with a copy, in advance, to the learned counsel representing the plaintiff along with the costs. If the petitioners fail to comply with the aforesaid order, the revision petition, filed by them, shall be deemed to have been dismissed. Since this order has been passed without issuing any notice, therefore, the respondent No.1 shall have the liberty to file an application for its recall, if so advised.

4. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 14, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No