

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

CR-2849-2022 (O&M)

Date of decision : 22.07.2022

Kulwinder Singh and another

...Petitioners

Vs.

Jasvir Kaur

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Kanha, Advocate for
Mr. Narinder S.Lucky, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners/defendants are aggrieved against the order dated 05.04.2022 passed by Civil Judge (Senior Division), NRI Court, Jalandhar, whereby in a suit bearing No.CS-424-2021 for declaration and permanent injunction filed by respondent/plaintiff, their defence was struck off, as the written statement was not filed in stipulated period.

Learned counsel has argued that the petitioners appeared before the trial Court through their counsel on 21.10.2021 and they were directed to file written statement. Thereafter, they left for abroad and had executed special power of attorneys in favour of one Deepak Sharma and Harjinder Singh, however, as the written statement and reply to the stay application was not filed, the case was adjourned. Subsequently, last opportunity was granted to the defendants subject to cost of Rs.200/-, however, finally on 05.04.2022, their defence was struck off, as despite opportunities, they failed to file written statement. Learned counsel submits that as the petitioners had appointed two different power of attorneys-Deepak Sharma and Harjinder Singh and because of confusion amongst them, the needful was not done.

Learned counsel further submits that the written statement is ready with the defendants and would be filed positively on or before 30.08.2022 i.e. the date fixed before the trial Court. He submits that in case, the petitioners are allowed to file their written statement, no prejudice would be caused to the other side.

Heard.

In view of the limited relief prayed for by the petitioners, this Court is not inclined to issue notice to the respondent, as it may cause unnecessary burden upon her and the nature of order would not cause any prejudice to her. However, it is made clear that in case, the plaintiff feels that the petitioners/defendants have not approached this Court with clean hands, it shall be open for her to seek recalling of this order.

Resultantly, the impugned order dated 05.04.2022 is set aside and petitioners/defendants are granted only one opportunity to file their written statement on or before the next date of hearing fixed before the trial Court i.e. 30.08.2022.

Disposed of.

(MANOJ BAJAJ)
JUDGE

22.07.2022
vanita

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