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

**CR-3032-2022 (O&M)
Date of decision: 02.08.2022**

M/s Allstar Creations Music Label Company and another

... Petitioners

Vs.

Kuldeep Singh @ DSB and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Mandeep Kaur, Advocate for
Ms. Sonu Kaur, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 26.05.2022 passed by the Civil Judge (Jr. Divn.), Batala, in Civil Suit No.925 of 2021 titled as 'Kuldeep Singh Vs. M/s Allstar Creation', vide which defence of the petitioners was struck off on account of non-filing of written statement.

Learned counsel for the petitioners submits that after the petitioners were served with the summons of the case, they put in appearance and service of other defendants No.3 to 5 was yet to be effected. It is further submitted that on the date, when the impugned order was passed, a request was made to the trial Court to adjourn the case and grant one last opportunity for filing the written statement, however, the trial Court adopted a very harsh view and on account of non-filing of written statement, struck off the defence of

petitioners-defendants No.1 & 2. It is also submitted that the petitioners will file the written statement within a period of 15 days from today.

After hearing learned counsel for the petitioners, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

Accordingly, this petition is allowed and the impugned order dated 26.05.2022 is set aside. The petitioners are granted 15 days' time to file the written statement, however, subject to payment of costs of Rs.10,000/- to respondent No.1-plaintiff.

The petitioners will file written statement along with costs on or before 24.08.2022, failing which this revision petition will be deemed to be dismissed without any further orders.

The amount of costs will be paid to respondent No.1-plaintiff on the same day.

Liberty is granted to respondent No.1-plaintiff to revive this petition, if so advised.

[ARVIND SINGH SANGWAN]
JUDGE

02.08.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No