

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

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**CR No. 3964 of 2022 (O & M)
Date of decision : 19.9.2022**

M/s Aripz Overseas and others

.....Petitioners

Vs.

Vijaya Bank and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. B.S. Tewatia, Advocate, for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

Learned counsel for the petitioners/defendants submits that after appearing before the trial Court on 22.11.2021, they sought time to file written statement and the case was adjourned to 14.1.2022. However, on the adjourned date, as is apparent by perusal of the order dated 14.1.2022 (Annexure P-4), their case could not be taken up as only urgent matters pertaining to bail and stay were heard by the trial Court. The case was adjourned to 4.7.2022 (Annexure P-5) and on that date their defence was struck off by order of the Court as the written statement was not filed. Learned counsel prays for only one opportunity to file written statement.

In the interest of justice, the order dated 4.7.2022 (Annexure P-5) is set aside to the extent the defence of petitioners/defendants was struck off by the trial Court. One opportunity is granted to the petitioners/defendants to file written statement within 7 days from today before the trial Court, subject to payment of Rs.5000/-as costs to the plaintiff.

Disposed of.

**(TRIBHUVAN DAHIYA)
JUDGE**

19.9.2022

Ashwani

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No