

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 123

Civil Revision No.4718 of 2022
Date of Decision: October 27, 2022

M/s Mytrah Energy (India) Pvt. Ltd. & another

..... PETITIONER(S)

VERSUS

Hartek Power Pvt. Ltd. & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Jasjeet S. Dhaliwal, Advocate, for the petitioners.

. . .

Tribhuvan Dahiya, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 12.09.2022 (Annexure P-1), whereby the defence of the petitioners-defendant Nos.3 and 4 has been struck off.

Learned counsel for the petitioners contends that petitioner No.1-Company is based at Hyderabad and written statement signed by petitioners-defendant Nos.3 and 4 was received by counsel before the trial Court only on 12.09.2022. This fact is established from the courier receipt dated 12.09.2022, placed on record as Annexure P-4. Only on that account it could not be filed before the trial Court on the date fixed, i.e., 12.09.2022 and their defence was struck off.

In view of the aforesaid facts and in the interests of justice, order dated 12.09.2022 passed by the trial Court to the extent it strikes off the defence of petitioners/ defendant Nos.3 and 4, is set aside and petitioners/ defendant Nos.3 and 4 are afforded one last opportunity to file written statement before the trial Court within one week from today, subject to payment of ₹ 10,000 as costs to the plaintiff(s). It is made clear that no further opportunity for the purpose shall be granted.

Disposed of.

(Tribhuvan Dahiya)
Judge

October 27, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No