

275.

2023:PHHC:155807

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

CR-1826-2023

Date of decision: 06.12.2023

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. & ORS. ... Petitioners

Versus

SAT NARAIN SHARMA AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: None for the petitioners.

Mr. Vikram Singh, Advocate, for respondent No.1.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 02.11.2021 (Annexure P-4) passed by learned Additional Civil Judge (Senior Division), Panipat, whereby the defence of the petitioners-defendants has been struck off due to non-filing of written statement.

2. The brief facts, as culled out from the petition, are that the respondents-plaintiffs filed a suit for recovery of damages of Rs.3,75,570/- along with interest. Though the petitioners-defendants appeared, but despite availing last opportunity, they did not file written statement and ultimately, vide order dated 02.11.2021, their defence was struck off.

3. There is no representation for the petitioners when the matter is called.

4. Today, Mr. Vikram Singh, Advocate, has caused appearance on behalf of respondent No.1 and filed his *vakalatnama*, which is taken on

record. He states that he has no objection if the order dated 02.11.2021 striking off the defence of the petitioners-defendants for filing written statement, is set aside.

5. I have heard learned counsel for the respondent and have gone through the paper book.

6. Though there is some inaction on the part of the petitioners-defendants that despite availing sufficient effective opportunities including the last opportunity, they failed to file written statement, but keeping in view the fact that procedure is handmaid to the administration of justice and it is meant for advancement of justice, the petitioners should not be non-suited merely on procedural technicalities and no prejudice would be caused to the respondents-plaintiffs if one opportunity is given to the petitioners-defendants to file written, as other party can be compensated with costs, so impugned order deserves to be set aside.

7. In view of above, the order dated 02.11.2021 (Annexure P-4) is hereby set aside and one opportunity is granted to the petitioners-defendants to file written statement, however, that would be subject to payment of costs of Rs.10,000/- to be paid to the respondents-plaintiffs. The petitioners-defendants shall file the written statement on the date so fixed before the trial Court. In case of default, this order shall automatically stand vacated.

8. Present petition stands disposed of accordingly.

(GURBIR SINGH)
JUDGE

December 06, 2023

sanjeev Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No