

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 7124 of 2017****Date of Decision: 11.10.2023**

Khadi and Village Industries Commission and Others

... Petitioner(s)

Versus

Bhartiya Khadi Gramodyog Sang

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Gautam Diwan, Advocate
for the petitioner(s).Mr. R.K.Sharma, Advocate
for the respondent.**Anil Kshetarpal, J.**

1. The petitioners before this Court are the defendants in a pending suit. Their defence was struck off on account of non-filing of the written statement on 25.08.2017.

2. The learned counsel representing the petitioners submits that on 25.08.2017, there was a prohibitory order prevailing in the area of Chandigarh, Panchkula and Mohali because on that day, the judgment in the case involving Baba Ram Rahim Singh, Head of a religious dera, was to be pronounced. The learned counsel further submits that movement of the general public was restricted, therefore, the officials of the Commission (petitioner herein) could not appear and file their written statement.

3. On the other hand, the learned counsel representing the respondent does not dispute the factual position, however, submits that the

lawyer representing the petitioners could have taken steps.

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4. This Court has considered the submissions. While applying the procedural law, the Court is required to take a holistic view of the matter. Here is a case where the two institutions are fighting for the recovery of some amount. If due to any reason, the movement of the general public was restricted in the tricity, the trial Court could have adjourned the case for a short date in order to grant an effective opportunity to the petitioners to file their written statement.

5. Keeping in view the aforesaid facts, the present petition is allowed. The impugned order is set aside. The petitioners are permitted to file the written statement.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 11, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No