

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

CR-2554-2023 (O&M)

Date of decision: 03.07.2023

Sachin Goel and others

...Petitioners

Versus

Bihari Lal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Nikhil Vats, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

Mr. S.K. Pandey, Advocate has appeared on behalf of respondent No.1 by filing vakalatnama, which be taken on record.

2. It has been pointed out that the contesting respondent is respondent No.1 only who has put in appearance through counsel.

3. The revision petitioners who are defendants No.4, 6 to 10 in the civil suit filed by plaintiff Bihari Lal who is respondent No.1 in the present revision petition are feeling aggrieved by order dated 01.03.2023 passed by the trial Court, vide which the opportunity granted to such defendants to file written statement and reply to the stay application was closed and their defence was struck off.

4. After hearing counsel for the petitioners and counsel for respondent No.1 and going through the record, though, I do not find any illegality or infirmity in the impugned order because such defendants had failed to submit written statements and reply to the application despite

availing of several opportunities but still in the interest of justice to ensure that doors of contest are not shut upon such defendants and they are given an opportunity to present their view point and contest the case of the plaintiff on merits, therefore, revision petitioners-defendants No.4, 6 to 10 are granted one more opportunity to file written statements and reply to the application under Order 39 Rule 1 & 2 CPC and other pending applications, if any, by the next date of hearing, fixed as 19.07.2023, subject to payment of Rs.10,000/- as costs to the plaintiff.

5. The revision petitioners shall get a demand draft in the sum of Rs.10,000/- prepared in the name of plaintiff Bihari Lal and would hand over the same to the plaintiff/his counsel in the Court on or before the date fixed and only then they would be allowed to file the written statements/reply(ies). In case of default, this revision petition is to be taken as dismissed.

6. Disposed of.

03.07.2023

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No